

SECTION 2 [Sections 2 through 5 must be completed for each redevelopment project area listed in Section 1.]

FY 2013

Name of Redevelopment Project Area:	North York Street (Elmhurst TIF 4)
Primary Use of Redevelopment Project Area*:	Retail
If "Combination/Mixed" List Component Types:	
Under which section of the Illinois Municipal Code was Redevelopment Project Area designated? (check one):	
Tax Increment Allocation Redevelopment Act <input checked="" type="checkbox"/> Industrial Jobs Recovery Law <input type="checkbox"/>	

	No	Yes
Were there any amendments to the redevelopment plan, the redevelopment project area, or the State Sales Tax Boundary? [65 ILCS 5/11-74.4-5 (d) (1) and 5/11-74.6-22 (d) (1)] If yes, please enclose the amendment labeled Attachment A	X	
Certification of the Chief Executive Officer of the municipality that the municipality has complied with all of the requirements of the Act during the preceding fiscal year. [65 ILCS 5/11-74.4-5 (d) (3) and 5/11-74.6-22 (d) (3)] Please enclose the CEO Certification labeled Attachment B		X
Opinion of legal counsel that municipality is in compliance with the Act. [65 ILCS 5/11-74.4-5 (d) (4) and 5/11-74.6-22 (d) (4)] Please enclose the Legal Counsel Opinion labeled Attachment C		X
Were there any activities undertaken in furtherance of the objectives of the redevelopment plan, including any project implemented in the preceding fiscal year and a description of the activities undertaken? [65 ILCS 5/11-74.4-5 (d) (7) (A and B) and 5/11-74.6-22 (d) (7) (A and B)] If yes, please enclose the Activities Statement labeled Attachment D		X
Were any agreements entered into by the municipality with regard to the disposition or redevelopment of any property within the redevelopment project area or the area within the State Sales Tax Boundary? [65 ILCS 5/11-74.4-5 (d) (7) (C) and 5/11-74.6-22 (d) (7) (C)] If yes, please enclose the Agreement(s) labeled Attachment E		X
Is there additional information on the use of all funds received under this Division and steps taken by the municipality to achieve the objectives of the redevelopment plan? [65 ILCS 5/11-74.4-5 (d) (7) (D) and 5/11-74.6-22 (d) (7) (D)] If yes, please enclose the Additional Information labeled Attachment F		X
Did the municipality's TIF advisors or consultants enter into contracts with entities or persons that have received or are receiving payments financed by tax increment revenues produced by the same TIF? [65 ILCS 5/11-74.4-5 (d) (7) (E) and 5/11-74.6-22 (d) (7) (E)] If yes, please enclose the contract(s) or description of the contract(s) labeled Attachment G	X	
Were there any reports or meeting minutes submitted to the municipality by the joint review board? [65 ILCS 5/11-74.4-5 (d) (7) (F) and 5/11-74.6-22 (d) (7) (F)] If yes, please enclose the Joint Review Board Report labeled Attachment H		X
Were any obligations issued by municipality? [65 ILCS 5/11-74.4-5 (d) (8) (A) and 5/11-74.6-22 (d) (8) (A)] If yes, please enclose the Official Statement labeled Attachment I	See Attachment F	X
Was analysis prepared by a financial advisor or underwriter setting forth the nature and term of obligation and projected debt service including required reserves and debt coverage? [65 ILCS 5/11-74.4-5 (d) (8) (B) and 5/11-74.6-22 (d) (8) (B)] If yes, please enclose the Analysis labeled Attachment J	X	
Cumulatively, have deposits equal or greater than \$100,000 been made into the special tax allocation fund? 65 ILCS 5/11-74.4-5 (d) (2) and 5/11-74.6-22 (d) (2) If yes, please enclose Audited financial statements of the special tax allocation fund labeled Attachment K		X
Cumulatively, have deposits of incremental revenue equal to or greater than \$100,000 been made into the special tax allocation fund? [65 ILCS 5/11-74.4-5 (d) (9) and 5/11-74.6-22 (d) (9)] If yes, please enclose a certified letter statement reviewing compliance with the Act labeled Attachment L	X	
A list of all intergovernmental agreements in effect in FY 2010, to which the municipality is a part, and an accounting of any money transferred or received by the municipality during that fiscal year pursuant to those intergovernmental agreements. [65 ILCS 5/11-74.4-5 (d) (10)] If yes, please enclose list only of the intergovernmental agreements labeled Attachment M		X

* Types include: Central Business District, Retail, Other Commercial, Industrial, Residential, and Combination/Mixed.

SECTION 3.1 - (65 ILCS 5/11-74.4-5 (d) (5) and 65 ILCS 5/11-74.6-22 (d) (5))

Provide an analysis of the special tax allocation fund.

FY 2013

TIF NAME: North York Street (Elmhurst TIF 4)

Fund Balance at Beginning of Reporting Period \$ -

Revenue/Cash Receipts Deposited in Fund During Reporting FY:	Reporting Year	Cumulative*	% of Total
Property Tax Increment	\$ 47,202	\$ 47,202	2%
State Sales Tax Increment			0%
Local Sales Tax Increment			0%
State Utility Tax Increment			0%
Local Utility Tax Increment			0%
Interest			0%
Land/Building Sale Proceeds			0%
Bond Proceeds	\$ 2,386,299	\$ 2,386,299	96%
Transfers from Municipal Sources			0%
Private Sources			0%
Other (Rental Income)	\$ 39,620	\$ 39,620	2%

*must be completed where 'Reporting Year' is populated

Total Amount Deposited in Special Tax Allocation Fund During Reporting Period \$ 2,473,121

Cumulative Total Revenues/Cash Receipts \$ 2,473,121 100%

Total Expenditures/Cash Disbursements (Carried forward from Section 3.2) \$ 2,550,798

Distribution of Surplus \$

Total Expenditures/Disbursements \$ 2,550,798

NET INCOME/CASH RECEIPTS OVER/(UNDER) CASH DISBURSEMENTS \$ (77,677)

FUND BALANCE, END OF REPORTING PERIOD* \$ (77,677)

* if there is a positive fund balance at the end of the reporting period, you must complete Section 3.3

Total Amount Designated (Carried forward from Section 3.3) \$ (3,088,976)

SECTION 3.2 A- (65 ILCS 5/11-74.4-5 (d) (5) and 65 ILCS 5/11-74.6-22 (d) (5))

FY 2013

TIF NAME: NorthYork Street (Elmhurst TIF 4)

ITEMIZED LIST OF ALL EXPENDITURES FROM THE SPECIAL TAX ALLOCATION FUND
(by category of permissible redevelopment cost, amounts expended during reporting period)

FOR AMOUNTS >\$10,000 SECTION 3.2 B MUST BE COMPLETED

Category of Permissible Redevelopment Cost [65 ILCS 5/11-74.4-3 (q) and 65 ILCS 5/11-74.6-10 (o)]	Amounts	Reporting Fiscal Year
1. Costs of studies, administration and professional services—Subsections (q)(1) and (o) (1)		
Contractual Services - Professional and Consultant Fees (5/1/12-4/30/13)	62,946	
Contractual Services - Professional and Consultant Fees (5/1/13-12/31/13)	84,884	
		\$ 147,830
2. Cost of marketing sites—Subsections (q)(1.6) and (o)(1.6)		
		\$ -
3. Property assembly, demolition, site preparation and environmental site improvement costs. Subsection (q)(2), (o)(2) and (o)(3)		
Land Acquisition - 260 N. York (5/1/13-12/31/13)	1,771,515	
		\$ 1,771,515
4. Costs of rehabilitation, reconstruction, repair or remodeling of existing public or private buildings. Subsection (q)(3) and (o)(4)		
Other Public Improvements-York Street Ventures/Mariano's RDA (5/1/13-12/31/13)	625,000	
		\$ 625,000
5. Costs of construction of public works and improvements. Subsection (q)(4) and (o)(5)		
		\$ -
6. Costs of removing contaminants required by environmental laws or rules (o)(6) - Industrial Jobs Recovery TIFs ONLY		
		\$ -

SECTION 3.2 A		
PAGE 2		
7. Cost of job training and retraining, including "welfare to work" programs Subsection (q)(5), (o)(7) and (o)(12)		
		\$ -
8. Financing costs. Subsection (q) (6) and (o)(8)		
Line of Credit - Note payable Interest (5/1/13-12/31/13)	6,453	
		\$ 6,453
9. Approved capital costs. Subsection (q)(7) and (o)(9)		
		\$ -
10. Cost of Reimbursing school districts for their increased costs caused by TIF assisted housing projects. Subsection (q)(7.5) - Tax Increment Allocation Redevelopment TIFs ONLY		
		\$ -
11. Relocation costs. Subsection (q)(8) and (o)(10)		
		\$ -
12. Payments in lieu of taxes. Subsection (q)(9) and (o)(11)		
		\$ -
13. Costs of job training, retraining advanced vocational or career education provided by other taxing bodies. Subsection (q)(10) and (o)(12)		
		\$ -

SECTION 3.2 A		
PAGE 3		
14. Costs of reimbursing private developers for interest expenses incurred on approved redevelopment projects. Subsection (q)(11)(A-E) and (o)(13)(A-E)		
		\$ -
15. Costs of construction of new housing units for low income and very low-income households. Subsection (q)(11)(F) - Tax Increment Allocation Redevelopment TIFs ONLY		
		\$ -
16. Cost of day care services and operational costs of day care centers. Subsection (q) (11.5) - Tax Increment Allocation Redevelopment TIFs ONLY		
		\$ -
TOTAL ITEMIZED EXPENDITURES		\$ 2,550,798

Section 3.2 B

FY 2013

TIF NAME: North York Street (Elmhurst TIF 4)

List all vendors, including other municipal funds, that were paid in excess of \$10,000 during the current reporting year.

_____ There were no vendors, including other municipal funds, paid in excess of \$10,000 during the current reporting period.

Name	Service	Amount
Storino, Romella & Durkin (5/1/12-4/30/13)	Profession/Legal	\$ 45,477.21
Storino, Romella & Durkin (5/1/13-12/31/13)	Profession/Legal	\$ 30,741.90
Van Slyke Enterprises (5/1/12-4/30/13)	Professional/Consulting	\$ 9,650.00
Van Slyke Enterprises (5/1/13 - 12/31/13)	Professional/Consulting	\$ 10,175.00
David King & Associates (5/1/12-4/30/13)	Professional/Property Mgmt.	\$ 5,000.00
David King & Associates (5/1/13 - 12/31/13)	Professional/Property Mgmt.	\$ 8,000.00
Kane, McKenna & Assoc. (5/1/13 - 12/31/13)	Professional/Consulting	\$ 13,212.50
Pauli Family Partnership (5/1/13 - 12/31/13)	Land Acquisition	\$ 1,770,000.00
York Street Ventures (5/1/13 - 12/31/13)	RDA - Other Public Improvements	\$ 625,000.00

SECTION 3.3 - (65 ILCS 5/11-74.4-5 (d) (5) 65 ILCS 11-74.6-22 (d) (5))

Breakdown of the Balance in the Special Tax Allocation Fund At the End of the Reporting Period

FY 2013

TIF NAME: North York Street (Elmhurst TIF 4)

FUND BALANCE, END OF REPORTING PERIOD

\$ (77,677)

Amount of Original Issuance	Amount Designated
-----------------------------	-------------------

1. Description of Debt Obligations

	Amount of Original Issuance	Amount Designated
Taxable G.O. Note Payable orig. dated 8/1/94 (Line of Credit)	\$ 2,386,299	\$ 2,386,299

Total Amount Designated for Obligations

\$ 2,386,299 \$ 2,386,299

2. Description of Project Costs to be Paid

	Amount of Original Issuance	Amount Designated
Redevelopment Agreement/Mariano's Project Costs		\$ 625,000

Total Amount Designated for Project Costs

\$ 625,000

TOTAL AMOUNT DESIGNATED

\$ 3,011,299

SURPLUS*/(DEFICIT)

\$ (3,088,976)

* NOTE: If a surplus is calculated, the municipality may be required to repay the amount to overlapping taxing

SECTION 4 [65 ILCS 5/11-74.4-5 (d) (6) and 65 ILCS 5/11-74.6-22 (d) (6)]

FY 2013

TIF NAME: North York Street (Elmhurst TIF 4)

Provide a description of all property purchased by the municipality during the reporting fiscal year within the redevelopment project area.

 No property was acquired by the Municipality Within the Redevelopment Project Area

Property Acquired by the Municipality Within the Redevelopment Project Area

Property (1):	(5/1/13 - 12/31/13)
Street address:	260 N. York Street
Approximate size or description of property:	113' x 164' - PIN 06-02-206-016
Purchase price:	1,770,000.00
Seller of property:	Pauli Family Partnership

Property (2):	
Street address:	
Approximate size or description of property:	
Purchase price:	
Seller of property:	

Property (3):	
Street address:	
Approximate size or description of property:	
Purchase price:	
Seller of property:	

Property (4):	
Street address:	
Approximate size or description of property:	
Purchase price:	
Seller of property:	

SECTION 5 - 65 ILCS 5/11-74.4-5 (d) (7) (G) and 65 ILCS 5/11-74.6-22 (d) (7) (G)

FY 2013

TIF NAME: North York Street (Elmhurst TIF 4)

SECTION 5 PROVIDES PAGES 1-3 TO ACCOMMODATE UP TO 25 PROJECTS. PAGE 1 MUST BE INCLUDED WITH TIF REPORT. PAGES 2-3 SHOULD BE INCLUDED ONLY IF PROJECTS ARE LISTED ON THESE PAGES

Check here if NO projects were undertaken by the Municipality Within the Redevelopment Project Area: _____			
ENTER total number of projects undertaken by the Municipality Within the Redevelopment Project Area and list them in detail below* _____ <u>2</u>			
TOTAL:	11/1/99 to Date	Estimated Investment for Subsequent Fiscal Year	Total Estimated to Complete Project
Private Investment Undertaken (See Instructions)	\$ 18,000,000	\$ 4,000,000	\$ 50,000,000
Public Investment Undertaken	\$ 2,395,000	\$ 1,625,000	\$ 3,125,000
Ratio of Private/Public Investment	7 33/64		16

Project 1: *IF PROJECTS ARE LISTED NUMBER MUST BE ENTERED ABOVE

Construction of Mariano's Fresh Market			
Private Investment Undertaken (See Instructions)	\$ 18,000,000	\$ -	\$ -
Public Investment Undertaken	\$ 625,000	\$ 625,000	\$ 625,000
Ratio of Private/Public Investment	28 4/5		0

Project 2:

Hahn Street Redevelopment Project (Does not include Public Investment of \$7,683,000 for land acquisition costs in TIF 1)			
Private Investment Undertaken (See Instructions)	\$ -	\$ 4,000,000	\$ 50,000,000
Public Investment Undertaken	\$ 1,770,000	\$ 1,000,000	\$ 2,500,000
Ratio of Private/Public Investment	0		20

Project 3:

Private Investment Undertaken (See Instructions)			
Public Investment Undertaken			
Ratio of Private/Public Investment	0		0

Project 4:

Private Investment Undertaken (See Instructions)			
Public Investment Undertaken			
Ratio of Private/Public Investment	0		0

Project 5:

Private Investment Undertaken (See Instructions)			
Public Investment Undertaken			
Ratio of Private/Public Investment	0		0

Project 6:

Private Investment Undertaken (See Instructions)			
Public Investment Undertaken			
Ratio of Private/Public Investment	0		0

EXHIBIT A**Legal Description**

That part of Sections 25, 26, 35 and 36 of Township 40 North, Range 11, East of the Third Principal Meridian and Sections 1 and 2 of Township 39 North, Range 11, East of the Third Principal Meridian described as commencing at the intersection of the Northerly corporate boundary of Elmhurst, said Northerly boundary being the centerline of Grand Avenue, with the Westerly lot line, extended north, of Lot 75 in Elmhurst Industrial Park Unit No. 2, recorded as Document R65-24614 on July 9, 1965, for a place of beginning, thence Easterly along said centerline of Grand Avenue to the Easterly right-of-way line of York Street, thence Southerly along said Easterly right-of-way line to the North line of Lot 2 of York Gardens, recorded as Document 456519 on December 3, 1943, thence Easterly along said North lot line to the East line of said Lot 2, thence Southerly along said East line to the Northwest corner of Lot 11 in Block 3 of Country Club Highlands Subdivision Unit 3, recorded as Document 877616 on April 25, 1958, thence Southeasterly along the Northerly line of said Lot 11, extended, to the Easterly right-of-way line of Wilson Street, thence Southwesterly along said Easterly right-of-way line to its intersection with the North line, extended Easterly, of Lots 12 through 24, inclusive, in Block 3 of said Country Club Highlands Subdivision Unit 3, thence Westerly along said North line to the West Line of said Lot 24, thence Southerly along said West line, extended, to the South line of Lot 4 in said York Gardens, thence Westerly along said South line to the Easterly right-of-way line of York Street, thence Southerly along said Easterly right-of-way to the South lot line of York Meadows Condominiums, recorded as Document R80-05482 on January 22, 1980, thence Easterly along said South lot line to the East lot line, extended Northerly, of Lot 20 in Block 12 of H.O. Stone and Co.'s Elmhurst Addition, recorded as Document 161539 on December 20, 1922, thence Southerly along said East lot line, extended, to the South lot line of Lot 10 in Block 37 of said H.O. Stone and Co.'s Elmhurst Addition, said South lot line being the North right-of-way of Crestview Avenue, thence Easterly along said North right-of-way line to the East right-of-way line of Michigan Street, thence Southerly along said East right-of-way line to the South lot line of Lot 15 in Block 54 of said H.O. Stone and Co.'s Elmhurst Addition, thence generally Westerly along the Northerly right-of-way line of Interstate 290 to the East right-of-way line of York Street, thence Southerly along said East right-of-way line to the Northerly right-of-way line of Lake Street, thence Southeasterly along said Northerly right-of-way line to the East right-of-way line, extended Northerly, of Elmcrest Avenue, thence Southerly along said East right-of-way line to the North line, extended Easterly, of Lot 5 in Block 1 of Robertson's Addition to Elmhurst, recorded as Document 92032 on October 30, 1907, thence Westerly along said North lot line to the East right-of-way line of York Street, thence Southerly along said East right-of-way line 300 feet, thence Easterly 155 feet, thence Northerly 50 feet to the North line of Lot 7 in Block 1 of said Robertson's Addition to Elmhurst, thence Easterly along said lot line, extended, to the East right-of-way line of Elmcrest Avenue, thence Southerly along said East right-of-way line and right-of-way line extended, to the South right-of-way line of Fremont Avenue, thence Westerly along said South right-of-way line 120 feet to the west line of the east 25 feet of lot 2 in Owners division of Block 2 of Robertsons Addition to Elmhurst, recorded as Document 258941 on June 4, 1928, thence Southerly along said west line 150 feet to the south line of lot 2, , thence Easterly along said line 25 feet to the southeast corner of lot 2, thence Southerly 90 feet along the west line of the east 50 feet of lot 5 to a point on the North line of Robertson's Second Addition to Elmhurst, recorded as Document 95683 on January 20, 1909, said point being 250 feet East of the Northwest corner of said Robertson's Second Addition to Elmhurst, thence Westerly along said North line to the East line of Lot

49 in said Robertson's Second Addition to Elmhurst, thence Southerly along said East lot line, extended, to the North line of Paul J. Lowe Resubdivision, recorded as Document R96-024157 on February 14, 1996, thence Westerly 42 feet to the northwest corner of lot 1, thence Southerly along the west line 165 feet to the south west corner lot 1, thence Easterly along south line 92 feet in said Paul J. Lowe Resubdivision to the East line of Lot 26 in said Robertson's Second Addition to Elmhurst, thence Southerly along said lot line 50 feet to the North line of the Resubdivision of Robertson's Second Addition to Elmhurst, recorded as Document 111786 on April 23, 1913, thence Westerly along said North line to the West line of Lot 11 in said Resubdivision, thence Southerly along said West line to the North right-of-way line of Columbia Avenue, thence Southeasterly to the Northwest corner of Lot 7 in said Resubdivision, thence Southerly 296.75 feet along the West line of Lots 7 and 8 in said Resubdivision, thence Southeasterly 38.83 feet to a point on the Northerly right-of-way line of North Avenue, said point being 22 feet Easterly of the Southwest corner of said Lot 8, thence Southeasterly to the Northwest corner of Lot 30 in Block 1 of Fairview Addition to Elmhurst, recorded as Document 110851 on February 7, 1913, thence Southerly along the West line of Lots 30 and 29 in said Block 1 to the South line, extended Easterly, of Lot 2 in said Block 1 of Fairview Addition, thence Westerly along said South line, and South line extended, to the East right-of-way line of York Street, thence Southerly along said East right-of-way line to the North line, extended Easterly, of Lot 25 in Hahn's Subdivision, recorded as Document 47483 on December 8, 1891, thence Westerly along said North lot line, extended, to the West line, extended Southerly, of Lot 16 in said Hahn's Subdivision, thence Northerly along said West lot line to the South right-of-way line of Hahn Street, thence Westerly along said South right-of-way line, extended, to the West right-of-way line of Addison Avenue, thence Northerly along said West right-of-way line to the Northerly right-of-way line of North Avenue, thence Easterly along said North right-of-way to the West line of Lot 7 in Block 1 of Albert D. Graue's Subdivision of North Elmhurst, recorded as Document 86803 on February 23, 1906, thence Northerly along said West line of Lot 7, extended, to the South right-of-way line of Fremont Avenue, thence Northwesterly to the Southwest corner of Lot 9 in North Elmhurst Third Addition to the Village of Elmhurst, recorded as Document 97862 on August 9, 1909, thence Northerly along the west line of Lots 9 and 8 of said North Elmhurst Third Addition to the Southwest corner of Lot 5 of "County Clerk's Assessment Division of Lots 1 and 2 of the Plat of North Elmhurst Third Addition to the Village of Elmhurst", recorded as Document 233179 on April 8, 1927, thence Northerly along the West line, and West line extended, of Lots 1 through 5, inclusive, in said County Clerk's Assessment Division to the Northerly right-of-way line of Lake Street, thence Southeasterly along said Northerly right-of-way line to the West right-of-way line of York Street, thence Northerly along said West right-of-way line to the South line of Elmhurst Industrial Park Unit No. 1, recorded as Document R65-2240 on January 22, 1965, thence Westerly along said South line to the West line of Lot 7 in said Elmhurst Industrial Park Unit No. 1, thence Northerly along said West lot line, extended, to the North right-of-way line of Industrial Drive, thence Easterly along said right-of-way line to the East line of Lot 31 in said Elmhurst Industrial Park Unit No. 1, thence Northerly along the East line of Lots 31 and 27 in said Elmhurst Industrial Park Unit No. 1 to the North line of said Lot 27, thence Westerly along said North line to the East line of Lot 26 in said Elmhurst Industrial Park Unit No. 1, thence Northerly along said East line, extended, to the Northeast corner of Lot 22 in said Elmhurst Industrial Park Unit No. 1, thence Northerly to the Southwest corner of York Grand Estates Unit Number One, recorded as Document 426473 on July 23, 1941, thence Northerly along the West line of said York Grand Estates Unit Number One, extended, to the Southwest corner of Lot 2 of Klefstad's Elmhurst Subdivision, recorded as Document R93-172175 on August 4, 1993, thence Easterly 266.01 feet to the Southeast corner of said Lot 2, thence continuing Easterly 292.27 feet along the South line of Lot 23 in

Addison Township Supervisors Assessment Plat No.5, recorded as Document 465944 on August 9, 1944, thence Northerly to a point on the South line of Peter's 2nd Subdivision, recorded as Document R69-11385 on March 18, 1969, thence Westerly along said South line 33 feet, thence Northerly 33.75 feet, thence Westerly 134.35 feet to the Southwest corner of said Peter's 2nd Subdivision, thence Northerly along the West line of said Subdivision 161.76 feet to the North Line of Peter's Subdivision, recorded as Document R68-41940 on September 11, 1968, thence Westerly along said North line 124.78 feet to the East line of said Lot 2 in said Klefstad's Elmhurst Subdivision, thence Northerly along said East line of Lot 2 233.96 feet to the Northeast corner of said Lot, thence West along the North line 277.13 feet to the most Westerly East line of Lot 1, thence North along the East line to the Northwest corner of Lot 1, thence West along the North line 275 feet to the Southeast corner of Lot 75 in said Elmhurst Industrial Park Unit No. 2, thence Westerly on the South line to the Southwest corner of said Lot 75, thence Northerly along the West line, and West line extended, of said Lot 75 to the place of beginning, all in DuPage County, Illinois.

EXHIBIT B**General Street Location**

The proposed Redevelopment Project Area is generally described as a contiguous area the boundaries of which are approximately the parcels on the east and west sides of York Street from the alley south of Hahn Street on the South to North Avenue on the north, continues north with frontage parcels located on the east and west sides of York Street from North Avenue on the south to Lake Street on the north, continues north along only the east side of York Street from the north side of the I-290 right-of way to Crestview Avenue, at Crestview, incorporates parcels on both the east and west sides of York Street to Wrightwood Avenue, at Wrightwood, includes parcels primarily on the west side of York Street to Grand Avenue and four (4) Community Unit School District 205 parcels on the east side of York Street, and in order to maximize lot depth from York Street throughout the Study Area, and sometimes incorporates several parcels in addition to those fronting York Street and along the south side of Grand Avenue a total of 8 lots west of York Street are incorporated, and adjacent rights of way are also included

EXHIBIT C





CITY OF ELMHURST
209 NORTH YORK STREET
ELMHURST, ILLINOIS 60126-2759
(630) 530-3000
www.elmhurst.org

AMENDED
STEVEN M. MORLEY
MAYOR
PATTY SPENCER
CITY CLERK
ELAINE LIBOVICZ
CITY TREASURER
JAMES A. GRABOWSKI
CITY MANAGER

June 26, 2014

Office of the Comptroller
Local Government Division
James R. Thompson Center
100 West Randolph Street
Suite 15-500
Chicago, Illinois 60601

**RE: CITY OF ELMHURST, ILLINOIS
TAX INCREMENT REDEVELOPMENT PROJECT AREA NO. 4
NORTH YORK STREET TIF DISTRICT**

Dear Ladies and Gentlemen:

I, Steven M. Morley, hold the position of Mayor of the City of Elmhurst, DuPage and Cook Counties, Illinois. I certify that, to the best of my knowledge, during the Fiscal Year ending December 31, 2013 the City complied with all the applicable requirements of the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 *et al.* (State Bar Ed. 2010).

Sincerely,

CITY OF ELMHURST

By: _____

Steven M. Morley, Mayor

BWB/tt

**ATTACHMENT B
(TIF 4)**

LAW OFFICES

STORINO, RAMELLO & DURKIN

9501 WEST DEVON AVENUE
ROSEMONT, ILLINOIS 60018

(847) 318-9500

FACSIMILE (847) 318-9509

June 27, 2014

DONALD J. STORINO
MICHAEL K. DURKIN
RICHARD J. RAMELLO
NICHOLAS S. PEPPERS
THOMAS M. BASTIAN
ANGELO F. DEL MARTO
JAMES E. MACHOLL
BRIAN W. BAUGH
ANTHONY J. CASALE
ANDREW Y. ACKER
PETER A. PACIONE
MELISSA A. MIROBALLI
MATTHEW G. HOLMES

MICHAEL R. DURKIN
THOMAS J. HALLERAN
ERIN C. MORIARTY

JOSEPH G. KUSPER
MARK R. STEPHENS
BRYAN J. BERRY
ANN M. WILLIAMS
LEONARD P. DIORIO
RICHARD F. PELLEGRINO
DONALD J. STORINO II

OF COUNSEL

IN REPLY REFER TO FILE NO.

Office of the Comptroller
Local Government Division
James R. Thompson Center
100 W. Randolph Street, Ste. 15-500
Chicago, Illinois 60601

ELMH-1

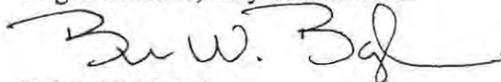
**RE: CITY OF ELMHURST, ILLINOIS
TAX INCREMENT REDEVELOPMENT PROJECT AREA NO. 4
NORTH YORK STREET TIF DISTRICT**

Dear Ladies and Gentlemen:

We do hereby certify that the law firm of Storino, Ramello & Durkin serves as Legal Counsel for the City of Elmhurst, Illinois. We further state that to the best of our knowledge and belief, during the Fiscal Year ending December 31, 2013, the City was in compliance with the Tax Increment Allocation Redevelopment Act [65 ILCS 5/11-74.4, *et seq.* (State Bar Ed. 2012)] for the above TIF district; provided, no opinion is rendered regarding the timeliness of any reports filed by the City pursuant to the Act.

This opinion is rendered solely for your information and no other parties shall be entitled to rely on any matters set forth herein without the express written consent of the undersigned. This opinion is limited to the matters set forth herein and no opinion may be inferred or implied beyond that expressly stated.

STORINO, RAMELLO & DURKIN
Legal Counsel, City of Elmhurst



Brian W. Baugh

BWB/dcs

NORTH YORK STREET (TIF 4)

Section 2 – Activities Statement

AMENDED - For period ended 4/30/13 and the period ended 12/31/13

- 1) Statement setting forth all activities undertaken in furtherance of the objectives of the redevelopment plan, including any project implemented in the preceding fiscal year and a description of the activities undertaken.

Redevelopment – During FY 2012/13, the City Council approved Resolution (R-51-2012) approving a redevelopment agreement with York Street Ventures for the development of a Mariano’s Fresh Market. As part of the agreement, the City will provide the developer with \$1.25M of economic incentive. The developer will receive \$625,000 upon opening and \$625,000 180 days later (See Attachment E). The City also granted certain setback and sign variations for the development (ZO-05-2102). **During FY 2013, the City paid the first installment of \$625,000 to York Street Ventures for the development of the Mariano’s Fresh Market.**

The City Council also approved Ordinance O-24-2013 authorizing the acquisition of 260 North York Street, in furtherance of and pursuant to the redevelopment objectives of the City’s North York Street Redevelopment Project Area (TIF 4). The Ordinance authorized the City Attorney to make an offer to purchase and negotiate the acquisition of the property from the current owner; however, in the event the negotiations failed, the Ordinance authorized the City Attorney to commence acquisition through eminent domain proceedings. **During FY 2013, the City Council approved Ordinance O-30-2013 amending the contract for the purchase of 260 North York Street. The amendments include a reduction in purchase price, establishing a closing date and providing for post-closing possession by one of the sellers. 260 North York Street was acquired in FY 2013 for \$1,770,000.**

Intergovernmental Agreement with Unit School District #205 in connection with the North York Street TIF District – On April 1, 2013, the City of Elmhurst approved an intergovernmental agreement (Resolution R-17-2013) with Unit School District #205 concerning the reimbursement by the City of capital improvement costs incurred by the School District #205 within the North York Redevelopment Project Area and other matters concerning said redevelopment project area (See Attachment M).

Intergovernmental Agreement with Elmhurst Park District in connection with the North York Street TIF District – On June 4, 2013, the City of Elmhurst approved an intergovernmental agreement (Resolution R-30-2013) with Elmhurst Park District concerning matters of said redevelopment project area (See Attachment M).

During fiscal year 2013, the City approved Resolution R-67-2013 approving a Tax Increment Financing Incentive Policy. The TIF Incentive Policy establishes a framework and general policies for identifying and qualifying desirable development/redevelopment projects that would not otherwise occur without TIF financing assistance, the structure for TIF assistance, and an application process and procedure for providing TIF assistance.

Activities Statement
ATTACHMENT D

NORTH YORK STREET (TIF 4)

Section 2 – Activities Statement

AMENDED - For period ended 4/30/13 and the period ended 12/31/13

Tax Increment Financing District Management – During Fiscal Year 2012/13, the City of Elmhurst retained the legal services of Donald J. Storino (Storino, Ramello & Durkin) to provide legal counsel for the operation and performance of the Tax Increment Financing District. During the eight month fiscal year ending December 31, 2013, the City of Elmhurst continued to retain the legal services of Donald J. Storino (Storino, Ramello & Durkin) to provide legal counsel for the operation and performance of the Tax Increment Financing District.

R- 51-2012

**A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION
OF THE REDEVELOPMENT AGREEMENT BY AND BETWEEN YORK STREET VENTURES LLC AND
THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS**

WHEREAS, York Street Ventures LLC (the "Developer") desires to enter into a redevelopment agreement ("Redevelopment Agreement") with the City of Elmhurst, DuPage and Cook Counties, Illinois (the "City") for purposes of redeveloping of a portion of the North York Street Redevelopment Project Area (the "Redevelopment Area") with a Mariano's Fresh Market (the "Project"); and

WHEREAS, the Corporate Authorities of the City find it is in the best interests of the City to enter into the Redevelopment Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elmhurst, DuPage and Cook Counties, Illinois, as follows:

Section 1. That the foregoing recital clauses to this Resolution are adopted as the findings of the Corporate Authorities of the City of Elmhurst and are incorporated herein by specific reference.

Section 2. That upon receipt from the Developer of four (4) executed copies of the Redevelopment Agreement, the Mayor is hereby authorized to execute, and the City Clerk is hereby authorized to attest to, the Redevelopment Agreement in substantially the form of such agreement appended to this Resolution as Exhibit "A," with such changes therein as shall be approved by the officials of the City executing the same, their execution thereof to constitute

conclusive evidence of their approval of any and all changes or revisions therein from and after the execution and delivery of such Redevelopment Agreement.

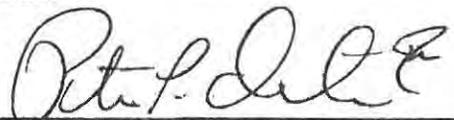
Section 3. That the officials, officers and employees of the City are hereby authorized to take such further actions and execute such documents as are necessary to carry out the intent and purpose of this Resolution and of the Redevelopment Agreement.

Section 4. That this Resolution shall be in full force and effect upon and after its passage in the manner provided by law.

ADOPTED this 4th day of September, 2012, pursuant to a roll call vote as follows:

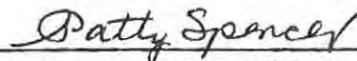
AYES: 12
NAYS: 0
ABSENT: 2
ABSTENTION: _____

APPROVED by me this 4th day of September, 2012.



Peter P. DiCianni III, Mayor of the City of
Elmhurst, DuPage and Cook Counties,
Illinois

ATTESTED and filed in my office,
This 4th day of September, 2012.



Patty Spencer, Clerk of the City of Elmhurst,
DuPage and Cook Counties, Illinois

COUNCIL ACTION SUMMARY

SUBJECT: A Resolution Approving and Authorizing the Execution of the Redevelopment Agreement by and Between York Street Ventures LLC and the City of Elmhurst, DuPage and Cook Counties, Illinois

ORIGINATOR: City Manager/City Attorney

DESCRIPTION OF SUBJECT MATTER:

The attached Resolution approves a redevelopment agreement (the "Agreement") with York Street Ventures LLC (the "Developer"). Pursuant to the Agreement, the Developer will develop a portion of the North York Street Tax Increment Financing District with a Mariano's Fresh Market and the City will provide the Developer with \$1.25M of economic incentive. The Developer will receive \$625,000 upon opening of the store and \$625,000 180 days later. Until such time as the project generates \$1.25M in real estate tax increment, the Developer and all lessees are prohibited from appealing the EAV of the property below \$2.65 per gross leasable building square footage.

EXHIBIT "A"
REDEVELOPMENT AGREEMENT

**CITY OF ELMHURST
TAX INCREMENT FINANCING
REDEVELOPMENT AGREEMENT
(MARIANO'S PROJECT)**

THIS REDEVELOPMENT AGREEMENT (the "Agreement") is made and entered into this 4th day of September 2012, by and between the CITY OF ELMHURST an Illinois municipal corporation (the "City"), and YORK STREET VENTURES LLC, an Illinois limited liability company (the "Developer") (the City and Developer are hereinafter sometimes collectively referred to as the "Parties," and individually as a "Party"),

WITNESSETH:

WHEREAS, pursuant to the Tax Increment Allocation Redevelopment Act, as amended [65 ILCS 5/11-74.4-1 et seq. (Illinois State Bar Ed. 2010)] (the "Act"), the City has undertaken a program to redevelop certain property within the City and generally located on the east and west sides of York Street from approximately Grand Avenue on the north and approximately North Avenue on the South and legally described in Exhibit A and depicted in Exhibit A-1 attached hereto and made apart hereof (the "Redevelopment Project Area"); and

WHEREAS, on September 4, 2012, the City Council (the "Corporate Authorities") of the City, after giving all necessary notices and conducting all necessary meetings and public hearings required by the Act, adopted the following Ordinances (collectively the "TIF Ordinances"):

Ordinance No. O-50-2012: An Ordinance of the City of Elmhurst, DuPage and Cook Counties, Illinois Approving a Redevelopment Plan and Redevelopment Project for the North York Street Redevelopment Project Area;

Ordinance No. O-51-2012: An Ordinance of the City of Elmhurst, DuPage and Cook Counties, Illinois, Designating the North York Street Redevelopment Project Area of said City a Redevelopment Project Area pursuant to the Tax Increment Allocation Redevelopment Act; and

Ordinance No. O-52-2012: An Ordinance of the City of Elmhurst, DuPage and Cook Counties, Illinois, Adopting Tax Increment Allocation Financing for the North York Street Redevelopment Project area; and

WHEREAS, the Developer owns or shall acquire certain real property located within the Redevelopment Project Area, which is legally described in Exhibit B and depicted in Exhibit B-1, attached hereto and made a part hereof (the "Property"); and

WHEREAS, the Developer submitted a proposal to the City to redevelop the Property with an approximately 76,000 square foot grocery store building and approximately 350 parking spaces, off-street loading and site access (the "Grocery Store Project"); and

WHEREAS, following completion of the Grocery Store Project, York shall lease the Grocery Store Project to Roundy's Supermarkets, Inc. d/b/a Mariano's Fresh Market ("Mariano's"); and

WHEREAS, the Grocery Store Project shall be developed with generally in conformance with the site plan prepared by Solomon, Cordwell, Buenz which is attached hereto and made a part hereof as Exhibit C (the "Site Plan"); and

WHEREAS, the cost of developing and constructing the Grocery Store Project shall be not less than Eighteen Million Dollars (\$18,000,000.00); and

WHEREAS, to facilitate the development and construction of the Grocery Store Project and subject to and in accordance with the terms of this Agreement and the Act, the City has agreed to reimburse the Developer for certain Redevelopment Project Costs (as hereinafter defined) that the Developer incurs, or has incurred, in connection with the development and construction of the Grocery Store Project; and

WHEREAS, except for variances granted by the City, the Grocery Store Project shall be developed and constructed in accordance with all City codes, ordinances and regulations, as applicable to the plans and specifications to be approved by the City and all other governmental authorities having jurisdiction over the Grocery Store Project; and

WHEREAS, the Developer represents and warrants to the City, and the City finds that, but for the assistance to be provided by the City to the Developer pursuant to the Act and this Agreement, the Grocery Store Project would not be economically viable or eligible for the private financing necessary for its construction and, concomitantly, the Developer would not construct and operate the Grocery Store Project; and

WHEREAS, this Agreement has been submitted to the Corporate Authorities of the City for consideration and review, and the Corporate Authorities and the Developer have taken all actions required to be taken prior to approval and execution of this Agreement in order to make the same binding upon the City and Developer according to the terms hereof; and

WHEREAS, the Corporate Authorities of the City, after due and careful consideration, have concluded that the construction and operation of the Grocery Store Project as provided herein will further the growth of the City, facilitate the redevelopment of a portion of the Redevelopment Project Area, improve the environment of the City, increase the assessed valuation of the real estate situated within the City, foster increased economic activity within the City, increase employment opportunities within the City, upgrade public infrastructure within a portion of the Redevelopment Project Area, and is otherwise in the best interests of the City by furthering the health, safety, morals and welfare of its residents and taxpayers.

NOW THEREFORE, in consideration of the foregoing and of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Developer do hereby agree as follows:

**ARTICLE I.
RECITALS PART OF THE AGREEMENT**

The representations, covenants and recitations set forth in the foregoing recitals are material to this Agreement and are hereby incorporated into and made a part of this Agreement as though they were fully set forth in this Article I.

**ARTICLE II.
OBLIGATION OF THE PARTIES**

2.1. **Developer Obligations and Agreements.** In consideration of the substantial commitment of the City to the redevelopment of the Redevelopment Project Area pursuant to the Redevelopment Plan and its commitments contained in this Agreement, the Developer shall fulfill, or has fulfilled as a condition to the City's obligations hereunder, the following obligations:

- A. The Developer has acquired or shall acquire good and merchantable title to the Property and shall have entered into a valid and binding and non-contingent lease with Mariano's on the Property and for the Grocery Store Project contingent only on acquiring the Property and entering into this agreement with the City.
- B. The Developer shall construct the Grocery Store Project substantially in accordance with the Site Plan and the Grocery Store Project shall be completed and a Certificate of Occupancy shall have been issued by or before December 31, 2013, subject to any Force Majeure Delays (as hereinafter defined).
- C. The Developer has advanced, shall hereafter advance, or shall cause other parties to advance the funds necessary to construct and complete the Grocery Store Project and the Developer shall contribute equity to the Grocery Store Project in an amount not less than ten percent (10%) of the project budget for the Grocery Store Project.

- D. The Developer has secured, or shall hereafter secure or cause to be secured, all required permits entitlements, authorizations and approvals necessary or required to construct and complete the Grocery Store Project.
- E. Until a Certificate of Occupancy has been issued for the Grocery Store Project, the Developer shall require its general contractor, or if there is none, then at its own expense, to obtain and maintain comprehensive general liability and shall cause the City to be named as an additional insured, with all the rights of a primary insured on such policy, and workmen's compensation and automobile/vehicle liability insurance for the Grocery Store Project, and shall cause the City to be named as an additional insured where it has an insurable interest, with all the rights of a primary insured, on such policies, except that on the worker's compensation insurance, the policy and certificate of insurance shall include a waiver of subrogation in favor of the City. Said insurance policies shall be issued in an amount not less than Five Million Dollars (\$5,000,000.00) combined single limit for bodily injury, personal injury or death and property damage with respect to any single occurrence, or in the case of worker's compensation insurance, as required by statute. Each of said policies shall provide for not less than thirty (30) days prior written notice to the City and Developer before such policies may be materially changed, modified or cancelled. Prior to the commencement of any work on the Grocery Store Project, the Developer shall provide the City with appropriate certificates of insurance and copies of said policies issued. The Developer shall keep in force at all times until the Grocery Store Project is completed, builder's risk insurance, against the risk of physical loss, including collapse, covering the total value of the building(s) and contents including

the work performed and equipment, supplies and materials furnished for the Grocery Store Project. Should the City receive notice that premiums needed to maintain in force any of the required insurance policies have not been paid, the City shall notify the Developer of the receipt of said notice. If the Developer fails to promptly pay any such required premium, the City may, but is not obligated or required to, pay the premiums due during any cure period afforded in such notice. If the City pays any premium due on any of the required insurance, policies, the amount of the premiums paid by the City shall constitute a debt owed by the Developer to the City and the City shall be entitled to file and enforce a lien against the Property. Failure of the Developer to pay any premiums on any required insurance policy shall constitute an event of default and shall remain so irrespective of whether the City shall elect to pay such premiums on behalf of the Developer. The Developer may cure said default if it repays the City for the amount of the premiums paid by the City within thirty (30) days of the payment by the City. If not repaid, the City shall have the right to terminate this Agreement in accordance with the terms hereof.

- F. In the event a claim is made against the City, its officers, officials, agents and employees or any of them, or if the City, its officers, officials, agents and employees or any of them (the "Indemnified Party" or "Indemnified Parties"), is made a party-defendant in any proceeding arising out of or in connection with the Developer's construction, operation, duties, obligations and responsibilities under the terms of this Agreement or the Grocery Store Project including, but not limited to, any claim or cause of action concerning matters pertaining to hazardous materials and other environmental matters in existence as of the date of this Agreement, to the

extent permitted by law, the Developer shall indemnify, defend and hold harmless the Indemnified Parties, or any Indemnified Party, from all claims, liabilities, losses, taxes, judgments, costs, fines, fees, including expenses and reasonable attorneys fees, in connection therewith. Any such Indemnified Party may obtain separate counsel to participate in the defense thereof at his or her own expense. The Indemnified Parties shall cooperate in the defense of such proceedings and be available for any litigation related appearances which may be required. Further, the Developer shall be entitled to settle any and all claims for money, in such amounts and upon such terms as to payment as it may deem appropriate, without the prior approval or consent of the Indemnified Parties, or any of them, as the case may be, provided that neither the City nor any of the other Indemnified Parties shall be required to contribute to such settlement, and further provided the Special Tax Allocation Fund (as defined herein) shall not be used in connection with any such settlement without the consent of the City.

- G. The Developer agrees to acquire and pay for each building permit, occupancy permit, utility connection permit or other City required permit which is required for each structure to be constructed or located in the Grocery Store Project. Said permits shall be acquired in accordance with the terms of the Elmhurst Municipal Code, as amended from time to time.
- H. The Developer represents and warrants that it shall not cause or permit any mechanic's liens or other lien claims to remain against the Special Tax Allocation Fund, as defined in Section 3.2(A), for labor or materials furnished in connection with demolition, site preparation, development, construction, additions,

modifications, improvements or any other matter which might give rise to lien rights against the Special Tax Allocation Fund. Notwithstanding the foregoing, the Developer shall be entitled to defend, prosecute or settle, as the case may be in a timely and commercially reasonable manner, any claims for mechanic's liens, other liens, claims or causes of action relating to allegedly defective or incomplete work, provided that the City shall not be required to contribute to such settlement. The City shall have the right of offset to utilize any monies otherwise owed to or entitled by Developer (not otherwise earned but unpaid) under this Agreement to settle or satisfy any such claims and the Developer hereby agrees and covenants to indemnify, defend and hold harmless the Indemnified Parties, (including the payment of reasonable attorneys' fees and costs and expenses) from and against any such liens, claims or causes of action as may be asserted against the Special Tax Allocation Fund.

- I. Upon reasonable notice, the City Manager, or his designee, shall have access to all portions of the Grocery Store Project during construction of the Grocery Store. Additionally, during the term of this Agreement and upon reasonable notice, the City Manager, or his designee, shall have access to all of the Developer's books and records relating to the construction of the Grocery Store Project, the private financing of the Grocery Store Project, the acquisition of the Property and the Redevelopment Project Costs with respect thereto, including but not limited to the Developer's closing documents, financing commitments, loan documents and statements, general contractor's and contractor's sworn statements, general contracts, subcontracts, purchase orders, waivers of lien, paid receipts and invoices. These records shall be available for inspection, audit and examination upon ten (10) business days notice.

- The Developer shall incorporate this right to inspect, audit, examine and copy all books and records into all contracts entered into by the Developer with respect to the Redevelopment Project Costs and/or the construction of the Grocery Store Project.
- J. To the extent required by law, the Developer agrees to pay, and to contractually obligate and cause any and all general contractors and subcontractors to pay, the prevailing rate of wages as established by the City pursuant to the Illinois Prevailing Wage Act [820 ILCS 130/0.01 *et seq.* (Illinois State Bar Ed. 2010)] when constructing the Grocery Store Project.
- K. The Developer shall cooperate with the City and provide the City with the information in Developer's possession or control required and necessary under the Act to enable the City to comply with the Act and its obligations under this Agreement.
- L. The Developer agrees to comply with the fair employment/affirmative action principles contemplated by the Act and the Redevelopment Plan, as such term is defined in the TIF Ordinances, and with all applicable federal, state and municipal regulations in connection with the construction of the Grocery Store Project.
- M. The Developer represents, warrants and covenants that no member, official, officer, employee of the City, or any commission or committee exercising authority over the Grocery Store Project or the Property, or any consultant hired by the City or the Developer with respect thereto, owns or controls or has owned or controlled any interest, direct or indirect, in the Grocery Store Project or any portion of the Property, or will own or control any interest in the Grocery Store Project, and that this Agreement will not violate Section 5/11-74.4-4(n) of the Act.

- N. The Developer has furnished to the City a project budget dated July 19, 2012 (the "Project Budget") showing total costs for the Grocery Store Project in an amount not less than Eighteen Million Dollars (\$18,000,000.00). The Developer hereby certifies to the City that the Project Budget is true, correct and complete, to the best of the Developer's knowledge, in all material respects. The Developer shall promptly deliver to the City certified copies of any Material Change Orders (as hereinafter defined) with respect to the Project Budget for approval. Material Change Orders shall be defined as any changes to the Project Budget that, in the aggregate, result in a reduction of the total cost of the Grocery Store Project by 5% or more. Any Material Change Orders must be submitted by the Developer to the City concurrently with the Certificates of Expenditures as described in Section 2.2A hereof; the Developer must obtain the City's prior written approval before approving any Material Change Orders.
- O. During the term of this Agreement, except as otherwise provided in (1) below the Developer and any lessee, licensee or user of the Property shall not:
- (1) appeal the equalized assessed valuation of all or a portion of the Property below such amount as to cause the real estate taxes on the Property to be below Two and 65/100 Dollars (\$2.65) per gross leasable building square foot for that period of time that it takes for the Property to generate One Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00) of real estate taxes paid to the City pursuant to section 11-74.4-8(b) of the Act commencing from the date of this agreement and then for two years after the One Million Two Hundred Fifty Thousand Dollars has been generated;

- (2) petition for tax-exempt status for all or a portion of the Property; or
- (3) transfer or convey all or a portion of the Property to a tax-exempt organization or entity, except as part of an eminent domain action by a unit of government.

The Developer shall prohibit all lessees, licensees and users of the Property from engaging in the above and include the provisions of this Section 2.1(O) in all leases and license agreements for all or a portion of the Property

2.2 City Obligations and Agreements. In consideration of the substantial commitment of the Developer to the development and construction of the Grocery Store Project, the City agrees and covenants with the Developer as follows:

- A. The City shall pay the Developer up to ONE MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS (\$1,250,000.00) (“City Contribution”) to partially subsidize those Developer costs of the Grocery Store Project which constitute redevelopment project costs, as such term is defined in the Act (“Redevelopment Project Costs”) as itemized on Exhibit D, attached hereto and made a part hereof and as evidenced by a certificate in the form attached hereto and made a part hereof as Exhibit E prepared by the Developer and reasonably approved by the City certifying the amount of Redevelopment Project Costs actually incurred by the Developer as of the date of such certificate (“Certificate of Expenditure”). The City Contribution shall be paid by the City, as follows:

- (1) The City shall pay to the Developer the amount of SIX HUNDRED TWENTY FIVE THOUSAND DOLLARS (\$625,000.00) on the 30th calendar day following the issuance by the City of a certificate of completion

(the "Certificate of Completion") for the Grocery Store Project (the "Payment Date"). The City shall issue the Certificate of Completion upon the satisfaction of the following conditions:

(a) the Grocery Store Project has been constructed and a temporary or permanent certificate of occupancy has been issued by the City;

(b) Developer and Mariano's shall have entered into an arms length market-rate commercial lease with a term of not less than 10 years and have provided the City with a fully executed copy of said lease and any and all addenda and riders; and

(c) the Grocery Store Project is fully fixtured and shall have been open to the general public for at least one (1) day.

In the event the Payment Date falls on a Saturday, Sunday or holiday, the Payment Date shall advance to the next calendar day which is not a Saturday, Sunday or holiday.

- (2) The City shall pay to the Developer the amount of SIX HUNDRED TWENTY FIVE THOUSAND DOLLARS (\$625,000.00) on the 180th calendar day following the actual Payment Date, pursuant to Section 2.2(A)(1) above (the "Second Payment Date") provided the Grocery Store Project is fully operational and open to the general public on the Second Payment Date. In the event the Second Payment Date falls on a Saturday, Sunday or holiday, the Second Payment Date shall be advanced to the next calendar day which is not a Saturday, Sunday or holiday.

- B. In the event a claim is made against the Developer, its directors, members, shareholders, officers, officials, agents and employees or any of them, or if the Developer, its directors, members, shareholders, officers, officials, agents and employees or any of them (the "Developer Indemnified Party" or "Developer Indemnified Parties"), is made a party-defendant in any proceeding arising out of or in connection with the City's duties, obligations and responsibilities under the terms of this Agreement [but specifically excluding any claim or cause of action concerning the closing on the Property and subsequent construction and operation of the Grocery Store Project], to the extent permitted by law, the City shall indemnify, defend and hold harmless the Developer Indemnified Parties, or any Developer Indemnified Party, from all claims, liabilities, losses, taxes, judgments, costs, fines, fees, including expenses and reasonable attorneys fees, in connection therewith. Any such Developer Indemnified Party may obtain separate counsel to participate in the defense thereof at his or her own expense. The Developer Indemnified Parties shall cooperate in the defense of such proceedings and be available for any litigation related appearances which may be required. Further, the City shall be entitled to settle any and all claims for money, in such amounts and upon such terms as to payment as it may deem appropriate, without the prior approval or consent of the Developer Indemnified Parties, or any of them, as the case may be, provided that neither the Developer nor any of the other Developer Indemnified Parties shall be required to contribute to such settlement.
- C. Developer hereby covenants and agrees that no recourse under or upon any obligation or agreement contained herein or for any claim based thereon shall be had against the

City, its officers, agents, attorneys, representatives or employees in any amount in excess of any specific sum agreed by the City to be paid at law or in equity shall attach to or shall be incurred by the City, its officers, agents, attorneys, representatives or employees in any amount in excess of any specific sum agreed by the City to be paid hereunder, subject to the terms and conditions contained herein, and any such excess rights or claims against the City, its officers, agents, attorneys, representatives, or employees are hereby expressly waived and released as a condition of and as consideration for the execution of this Agreement by the City.

ARTICLE III. AUTHORITY

3.1 Powers.

- A. The City hereby represents and warrants to the Developer that the City has full constitutional and lawful right, power and authority, under currently applicable law, to execute and deliver and perform the terms and obligations of this Agreement, and the foregoing has been, or will be, duly and validly authorized and approved by all necessary City proceedings, findings and actions. Accordingly, this Agreement constitutes the legal, valid and binding obligation of the City, and is enforceable in accordance with its terms and provisions and the execution of this Agreement does not require the consent of any other governmental authority.
- B. The Developer hereby represents and warrants to the City that the Developer has full lawful right, power and authority, under currently applicable law, to execute and deliver and perform the terms and obligations of this Agreement, and the foregoing has been or will be duly and validly authorized and approved by all necessary Developer actions. Accordingly, this Agreement constitutes the legal, valid and

binding obligation of the Developer, is enforceable in accordance with its terms and provisions and does not require the consent of any other party.

3.2 **Authorized Parties.** Except in cases where the approval or authorization of the City's Corporate Authorities is required by law, whenever, under the provisions of this Agreement, or other related documents and instruments or any duly authorized supplemental agreements, any request, demand, approval, notice or consent of the City or the Developer is required, or the City or the Developer is required to agree to, or to take some action at, the request of the other, such request, demand, approval, notice or consent, or agreement shall be given for the City, unless otherwise provided herein, by the City Administrator or her designee and for the Developer by any manager of the Developer so authorized (and, in any event, the officers executing this Agreement are so authorized). Any Party shall be authorized to act on any such request, demand, approval, notice or consent, or agreement or other action and neither Party hereto shall have any complaint against the other as a result of any such action taken.

ARTICLE IV. GENERAL PROVISIONS

4.1 **Time of Essence.** Time is of the essence of this Agreement. The Parties will make every reasonable effort to expedite the subject matters hereof and acknowledge that the successful performance of this Agreement requires their continued cooperation.

4.2 **Mutual Assistance.** The Parties agree to take such actions, including the execution and delivery of such documents, instruments and certifications (and, in the case of the City, the adoption of such ordinances and resolutions), as may be necessary or appropriate from time to time to carry out the terms, provisions and intent of this Agreement and to aid and assist each other in carrying out such terms, provisions and intent.

Provided the Developer is in compliance with this Agreement, the City agrees that it shall not revoke or amend the Redevelopment Plan and Project, the TIF Ordinances or this Agreement if such revocation or amendment would prevent the development of the Grocery Store Project in accordance with this Agreement. The Parties shall cooperate fully with each other in securing from any and all appropriate governmental authorities (whether federal, state, county or local) any and all necessary or required permits, entitlements, authorizations and approvals to develop and construct the Grocery Store Project.

4.3 **Force Majeure.** For the purposes of this Agreement, neither the Developer nor the City shall be considered to be in breach of any of its obligations hereunder if said Party is unable to acquire any property which, by the terms of this Agreement, said Party was required to acquire. "Force Majeure Delays" means delays in the construction caused by any one or combination of the following, which are beyond the reasonable control of and/or without the fault of the Party relying thereon, destruction by fire or other casualty, or performance is prevented by strike or other labor troubles, other than those caused by Developer, governmental restrictions, takings, and limitations arising subsequent to the date hereof, war or other national emergency; fire, flood or other casualties, shortage of material not attributable to any action or conduct of Developer, extreme adverse weather conditions, such as, by way of illustration and not limitation, severe rain storms or below freezing temperatures, tornadoes or cyclones, any delay in the performance by Developer resulting from the non-performance of the City's responsibilities, and any other extraordinary events or conditions beyond the reasonable control of the Developer or the City which, in fact, unreasonably interferes with the ability of the Developer or the City to discharge its respective obligations hereunder. Force Majeure Delay shall not include: (1) economic hardship or impracticability of performance (except as may be provided herein), (2) commercial or economic frustration of purpose (except as may be

provided herein), or (3) a failure of performance by a contractor (except as caused by events which are Force Majeure Delay as to the contractor).

In each case where a Party hereto believes its performance of any specific obligation, duty or covenant is delayed or impaired by reason of an event of Force Majeure Delay, the Party claiming the benefit of this Section 4.3 shall notify the other Party of the nature of the event claimed to constitute Force Majeure Delay and, specifically, the obligation, duty or covenant which it believes is delayed or impaired by reason of the designated event. Notification shall be provided in accordance with Section 4.11 hereof. Performance of the obligation, duty or covenant impaired by reason of the designated event shall be tolled for that period of time reasonably necessary to remove or otherwise cure the impediment to performance and the Party relying on the event of Force Majeure Delay shall be obligated to pursue such remedy or cure with reasonable diligence given the nature of the impairment, to the extent the same may be reasonably cured. In no case shall an event of Force Majeure Delay toll the performance of any obligation, duty or covenant not directly implicated in the claimed event of Force Majeure Delay. Further, nothing herein shall be deemed to preclude the right of the Party entitled, by the terms of this Agreement, to receive the performance of any obligation, duty or covenant to challenge the validity of a claimed event of Force Majeure Delay.

4.4 **Breach.** A Party shall be deemed to be in breach this Agreement if it fails to materially perform, observe or comply with any of its covenants, agreements or obligations hereunder or breaches or violates any of its representations contained in this Agreement after the expiration of the any cure period applicable thereto.

4.5 **Cure of Breach.** Except as otherwise provided herein and in case of defaults in the failure to make monetary payments due hereunder, prior to the time that a failure of any Party to this Agreement to perform its obligations hereunder or the failure to perform any other action or omission to perform any such obligation or action described in Section 4.4 shall be deemed to be a breach hereof, the Party claiming such failure shall provide written notification to the Party alleged to have failed to perform of the alleged failure and shall demand performance. No breach of this Agreement may be found to have occurred if performance has commenced to the reasonable satisfaction of the complaining Party within sixty (60) days of the receipt of such notice. The prosecution of the conduct necessary to remedy the alleged breach must be diligently pursued until the cure is perfected. The obligation to cure defaults, as herein required, shall be tolled during any applicable time period during which a delay in performance is permitted as an event of Force Majeure Delay under the provisions of Section 4.3 hereof but the tolling of the performance of any obligation shall be limited to the obligation or action as to which the Force Majeure Delay provisions apply.

In the event that either Party shall breach any provision of this Agreement and fail to cure said breach as provided in the preceding paragraph or as elsewhere provided in this Agreement, the non-defaulting Party may enforce the terms hereof by filing any action or proceeding available at law or in equity, in any court of competent jurisdiction, including an action for specific performance of the covenants and agreements herein contained. In addition, a non-defaulting Party may recover actual, but not consequential damages, directly and proximately relating to the defaulting Party's failure to perform the terms hereof. Except as otherwise set forth herein, no action taken by a Party pursuant to the provisions of this Section 4.5 or pursuant to the provisions of any other Section of this Agreement shall be deemed to constitute an election of remedies and all remedies set forth in

this Agreement shall be cumulative and nonexclusive of any other remedy either set forth herein or available to any Party at law or in equity.

4.6 **Amendment.** This Agreement, and any exhibits attached hereto, may be amended only by the mutual consent of the Parties evidenced by a written amendment, by the adoption of an ordinance or resolution of the City approving said written amendment, as provided by law, and by the execution of said written amendment by the Parties or their successors in interest. In the event of the failure of either Party to make monetary payments hereunder, the cure period shall be ten (10) days after notice as provided herein and any late payment(s) shall bear interest at the rate of five percent (5%) per annum from the day that said payment(s) is/are due.

4.7 **Entire Agreement.** This Agreement sets forth all agreements, understandings and covenants between and among the Parties relative to the matters herein contained. This Agreement supersedes all prior agreements, negotiations and understandings, written and oral, and shall be deemed a full integration of the entire agreement of the Parties.

4.8 **Severability.** If any provisions, covenants, agreement or portion of this Agreement, or its application to any person, entity or property, is held invalid, such invalidity shall not affect the application or validity of any other provisions, covenants or portions of this Agreement and, to that end, all provisions, covenants, agreements or portions of this Agreement are declared to be severable.

4.9 **Consent or Approval.** Except as otherwise provided in this Agreement, whenever consent or approval written or otherwise of any Party to this Agreement is required, such consent or approval shall not be unreasonably withheld, delayed or conditioned.

4.10 **Illinois Law.** This Agreement shall be construed in accordance with the laws of the State of Illinois.

4.11 **Notice.** Any notice to be given or served hereunder or under any document or instrument executed pursuant hereto shall be in writing and shall be (i) delivered personally, with a receipt requested therefore; or (ii) sent by telecopy facsimile; or (iii) sent by a recognized overnight courier service; or (iv) delivered by United States registered or certified mail, return receipt requested, postage prepaid. All notices shall be addressed to the Parties at their respective addresses set forth below, and the same shall be effective (a) upon receipt or refusal if delivered personally or by telecopy facsimile; (b) one (1) business day after depositing with such an overnight courier service, or (c) two (2) business days after deposit in the mail, if mailed. A Party may change its address for receipt of notices by service of a notice of such change in accordance herewith. All notices by telecopy facsimile shall be subsequently confirmed by U.S. certified or registered mail.

If to the City:

City of Elmhurst
Attn: City Manager
209 N. York Street
Elmhurst, Illinois 60126
Fax No. (630) 530-3014

with a copy to:

Donald J. Storino, Esq.
Storino Ramello & Durkin
9501 West Devon Avenue, 8th Floor
Rosemont, Illinois 60018
Fax No. (847) 318-9509

If to the Developer:

Dean Kelley
York Street Ventures LLC
2250 Southwind Blvd.
Bartlett, Illinois 60103

with a copy to:

George D. Maurides
Maurides, Foley, Tabangay and Turner, LLC
33 N. LaSalle Street, Suite 1910
Chicago, Illinois 60602
Fax No. (312) 332-5666

4.12 **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same agreement.

4.13 **Term of Agreement; Extension of Term of TIF.** The term ("Term") of this Agreement shall commence on the date first above written and continue for a period of twenty (20) years. In the event the City pursues and receives an extension of the term of the Redevelopment Project Area and associated tax increment allocation financing, the Developer shall have no additional rights under the terms and provisions of this Agreement and this Agreement shall terminate upon expiration of the Term. Notwithstanding the foregoing or anything contained herein to the contrary, this Agreement, and all City obligations herein shall be null and void if a permanent certificate of occupancy is not issued for the Grocery Store Project prior to December 31 2013, subject to any Force Majeure Delay extensions.

4.14 **Good Faith and Fair Dealing.** City and Developer acknowledge their duty to exercise their rights and remedies hereunder and to perform their covenants, agreements and obligations hereunder, reasonably and in good faith.

4.15 **Drafting.** Each Party and its counsel have participated in the drafting of this Agreement therefore none of the language contained in this Agreement shall be presumptively construed in favor of or against either Party.

4.16 **Recording.** The Parties agree to record a memorandum of this Agreement with the DuPage County Recorder of Deeds.

4.17 **Covenants Run with the Land/Successors and Assigns.** It is intended that the covenants, conditions, agreements, promises, obligations and duties of each Party as set forth in this Agreement shall be construed as covenants and that, to the fullest extent legally possible, all such

covenants shall run with and be enforceable against both the covenanted and the Project. Such covenants shall terminate upon termination or expiration of this Agreement.

This Agreement shall inure to the benefit of, and shall be binding upon each Developer and each Developer's respective successors, grantees and assigns, and upon successor corporate authorities of the City and successor municipalities.

4.18 Default Shall Not Permit Termination of Agreement. No default under this Agreement shall entitle any Party to terminate, cancel or otherwise rescind this Agreement; provided, however, this limitation shall not affect any other rights or remedies the Parties may have by reason of any default under this Agreement.

4.19 Right to Enjoin. In the event of any violation or threatened violation of any of the provisions of this Agreement by a Party or Occupant, any other Party shall have the right to apply to a court of competent jurisdiction for an injunction against such violation or threatened violation, and/or for a decree of specific performance.

4.20 Partial Funding. Except as otherwise set for in this Agreement, the Developer acknowledges and agrees that the economic assistance to be received by the Developer as set forth in this Agreement is intended to be and shall be a source of partial funding for the Grocery Store Project and agrees that any additional funding above and beyond said economic assistance shall be solely the responsibility of the Developer. The Developer acknowledges and agrees that the amount of economic assistance set forth in this Agreement represents the maximum amount of economic assistance to be received by the Developer, provided the Developer complies with the terms and provisions set forth in this Agreement. The Developer further acknowledges and agrees that the City is not a joint developer or joint venturer with the Developer and the City is in no way responsible for completion of any portion of the Grocery Store Project.

4.21 **Attorney Fees.** Should it become necessary to bring legal action or proceedings to enforce this Agreement, or any portion thereof, or to declare the effect of the provisions of this Agreement, the prevailing party shall be entitled to recover or offset against sums due, its costs, including reasonable attorney's fees, in addition to whatever other relief the prevailing party may be entitled.

4.22 **No Joint Venture, Agency or Partnership Created.** Neither anything in this Agreement nor any acts of the Parties to this Agreement shall be construed by the Parties or any third person to create the relationship of a partnership, agency, or joint venture between or among such Parties.

4.23 **Waiver.** Any party to this Agreement may elect to waive any right or remedy it may enjoy hereunder, provided that no such waiver shall be deemed to exist unless such waiver is in writing. No such waiver shall obligate the waiver of any other right or remedy hereunder, or shall be deemed to constitute a waiver of other rights and remedies provided pursuant to this Agreement.

4.24 **No Personal Liability of Officials of Village or Developer.** No covenant or agreement contained in this Agreement shall be deemed to be the covenant or agreement of the Mayor, City Council Member, City Manager, any official, officer, partner, member, director, agent, employee or attorney of the City or Developer, in his or her individual capacity, and no official, officer, partner, member, director, agent, employee or attorney of the City or Developer shall be liable under this Agreement or be subject to any personal liability or accountability by person of or in connection with or arising out of the execution, delivery and performance of this Agreement, or any failure in that connection.

4.45 **Repealer.** To the extent that any ordinance, resolution, rule, order or provision of the City's code of ordinances, or any part thereof, is in conflict with the provisions of this Agreement, the provisions of this Agreement shall be controlling, to the extent lawful.

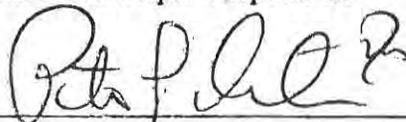
4.26 **Estoppel Certificates.** Each of the parties hereto agree to provide the other, upon not less than ten (10) business days prior request, a certificate ("*Estoppel Certificate*") certifying that this Agreement is in full force and effect (unless such is not the case, in which case such parties shall specify the basis for such claim), that the requesting party is not in default of any term, provision or condition of this Agreement beyond any applicable notice and cure provision (or specifying each such claimed default) and certifying such other matters reasonably requested by the requesting party.

4.27 **Municipal Limitations.** All municipal commitments are limited to the extent required by law.

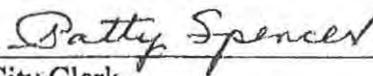
4.28 **Effectiveness.** The Effective Date for this Agreement shall be the day on which this Agreement is fully executed pursuant to a duly enacted City ordinance authorizing the execution and adoption of this Agreement. Developer shall execute this Agreement not later than twenty-one (21) days after City Council authorization of execution of this Agreement or else this Agreement will be deemed void.

IN WITNESS WHEREOF, the Parties have duly executed this Agreement pursuant to all requisite authorizations as of the date first above written.

CITY OF ELMHURST,
an Illinois Municipal Corporation

By: 
Mayor

ATTEST:


City Clerk

YORK STREET VENTURES LLC

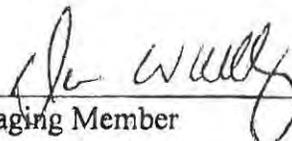
By: 
Managing Member

EXHIBIT A**Legal Description of Redevelopment Project Area**

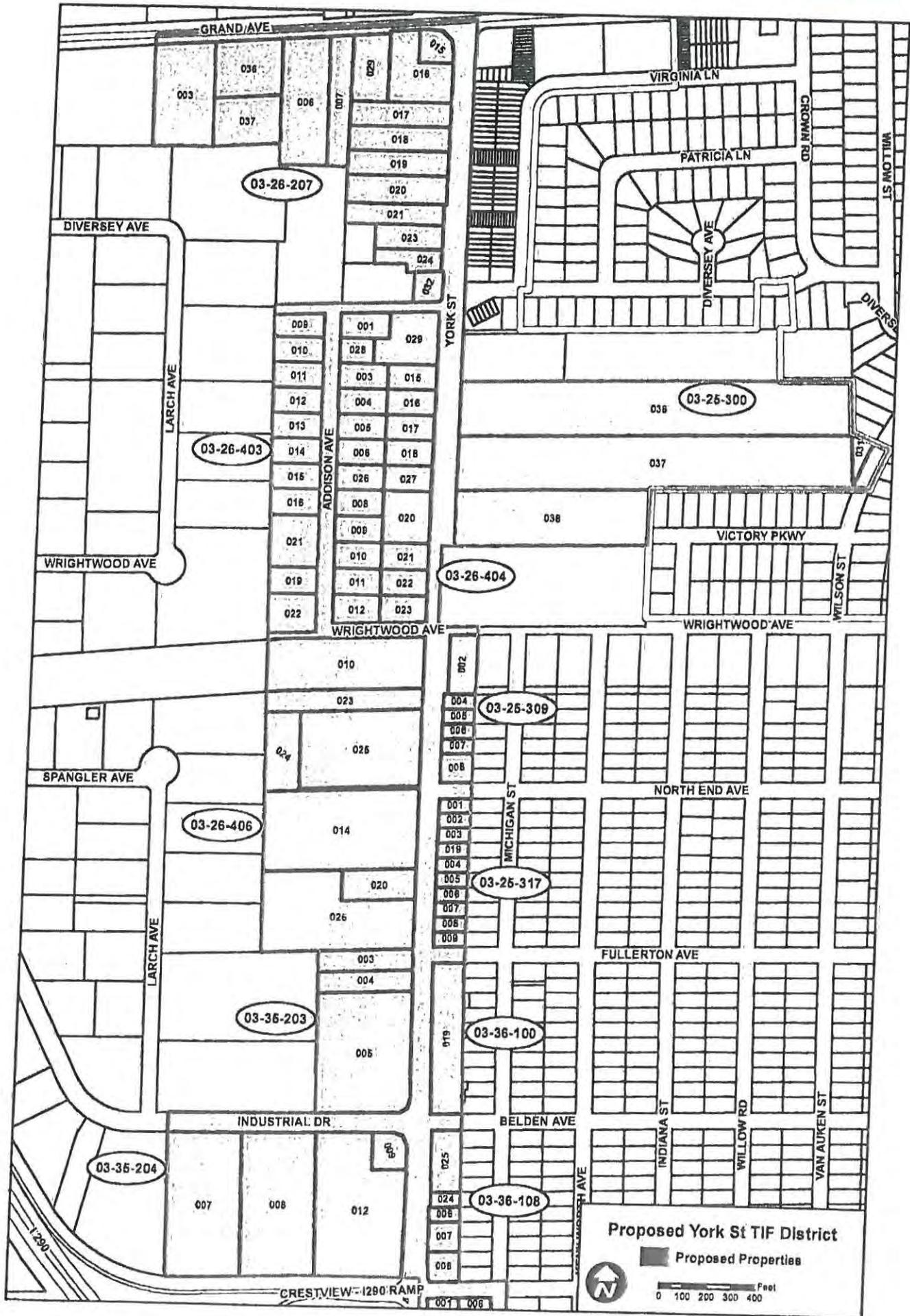
That part of Sections 25, 26, 35 and 36 of Township 40 North, Range 11, East of the Third Principal Meridian and Sections 1 and 2 of Township 39 North, Range 11, East of the Third Principal Meridian described as commencing at the intersection of the Northerly corporate boundary of Elmhurst, said Northerly boundary being the centerline of Grand Avenue, with the Westerly lot line, extended north, of Lot 75 in Elmhurst Industrial Park Unit No. 2, recorded as Document R65-24614 on July 9, 1965, for a place of beginning, thence Easterly along said centerline of Grand Avenue to the Easterly right-of-way line of York Street, thence Southerly along said Easterly right-of-way line to the North line of Lot 2 of York Gardens, recorded as Document 456519 on December 3, 1943, thence Easterly along said North lot line to the East line of said Lot 2, thence Southerly along said East line to the Northwest corner of Lot 11 in Block 3 of Country Club Highlands Subdivision Unit 3, recorded as Document 877616 on April 25, 1958, thence Southeasterly along the Northerly line of said Lot 11, extended, to the Easterly right-of-way line of Wilson Street, thence Southwesterly along said Easterly right-of-way line to its intersection with the North line, extended Easterly, of Lots 12 through 24, inclusive, in Block 3 of said Country Club Highlands Subdivision Unit 3, thence Westerly along said North line to the West Line of said Lot 24, thence Southerly along said West line, extended, to the South line of Lot 4 in said York Gardens, thence Westerly along said South line to the Easterly right-of-way line of York Street, thence Southerly along said Easterly right-of-way to the South lot line of York Meadows Condominiums, recorded as Document R80-05482 on January 22, 1980, thence Easterly along said South lot line to the East lot line, extended Northerly, of Lot 20 in Block 12 of H.O. Stone and Co.'s Elmhurst Addition, recorded as Document 161539 on December 20, 1922, thence Southerly along said East lot line, extended, to the South lot line of Lot 10 in Block 37 of said H.O. Stone and Co.'s Elmhurst Addition, said South lot line being the North right-of-way of Crestview Avenue, thence Easterly along said North right-of-way line to the East right-of-way line of Michigan Street, thence Southerly along said East right-of-way line to the South lot line of Lot 15 in Block 54 of said H.O. Stone and Co.'s Elmhurst Addition, thence generally Westerly along the Northerly right-of-way line of Interstate 290 to the East right-of-way line of York Street, thence Southerly along said East right-of-way line to the Northerly right-of-way line of Lake Street, thence Southeasterly along said Northerly right-of-way line to the East right-of-way line, extended Northerly, of Elmcrest Avenue, thence Southerly along said East right-of-way line to the North line, extended Easterly, of Lot 5 in Block 1 of Robertson's Addition to Elmhurst, recorded as Document 92032 on October 30, 1907, thence Westerly along said North lot line to the East right-of-way line of York Street, thence Southerly along said East right-of-way line 300 feet, thence Easterly 155 feet, thence Northerly 50 feet to the North line of Lot 7 in Block 1 of said Robertson's Addition to Elmhurst, thence Easterly along said lot line, extended, to the East right-of-way line of Elmcrest Avenue, thence Southerly along said East right-of-way line and right-of-way line extended, to the South right-of-way line of Fremont Avenue, thence Westerly along said South right-of-way line 120 feet to the west line of the east 25 feet of lot 2 in Owners division of Block 2 of Robertsons Addition to Elmhurst, recorded as Document 258941

on June 4, 1928, thence Southerly along said west line 150 feet to the south line of lot 2, , thence Easterly along said line 25 feet to the southeast corner of lot 2, thence Southerly 90 feet along the west line of the east 50 feet of lot 5 to a point on the North line of Robertson's Second Addition to Elmhurst, recorded as Document 95683 on January 20, 1909, said point being 250 feet East of the Northwest corner of said Robertson's Second Addition to Elmhurst, thence Westerly along said North line to the East line of Lot 49 in said Robertson's Second Addition to Elmhurst, thence Southerly along said East lot line, extended, to the North line of Paul J. Lowe Resubdivision, recorded as Document R96-024157 on February 14, 1996, thence Westerly 42 feet to the northwest corner of lot 1, thence Southerly along the west line 165 feet to the south west corner lot 1, thence Easterly along south line 92 feet in said Paul J. Lowe Resubdivision to the East line of Lot 26 in said Robertson's Second Addition to Elmhurst, thence Southerly along said lot line 50 feet to the North line of the Resubdivision of Robertson's Second Addition to Elmhurst, recorded as Document 111786 on April 23, 1913, thence Westerly along said North line to the West line of Lot 11 in said Resubdivision, thence Southerly along said West line to the North right-of-way line of Columbia Avenue, thence Southeasterly to the Northwest corner of Lot 7 in said Resubdivision, thence Southerly 296.75 feet along the West line of Lots 7 and 8 in said Resubdivision, thence Southeasterly 38.83 feet to a point on the Northerly right-of-way line of North Avenue, said point being 22 feet Easterly of the Southwest corner of said Lot 8, thence Southeasterly to the Northwest corner of Lot 30 in Block 1 of Fairview Addition to Elmhurst, recorded as Document 110851 on February 7, 1913, thence Southerly along the West line of Lots 30 and 29 in said Block 1 to the South line, extended Easterly, of Lot 2 in said Block 1 of Fairview Addition, thence Westerly along said South line, and South line extended, to the East right-of-way line of York Street, thence Southerly along said East right-of-way line to the North line, extended Easterly, of Lot 25 in Hahn's Subdivision, recorded as Document 47483 on December 8, 1891, thence Westerly along said North lot line, extended, to the West line, extended Southerly, of Lot 16 in said Hahn's Subdivision, thence Northerly along said West lot line to the South right-of-way line of Hahn Street, thence Westerly along said South right-of-way line, extended, to the West right-of-way line of Addison Avenue, thence Northerly along said West right-of-way line to the Northerly right-of-way line of North Avenue, thence Easterly along said North right-of-way to the West line of Lot 7 in Block 1 of Albert D. Graue's Subdivision of North Elmhurst, recorded as Document 86803 on February 23, 1906, thence Northerly along said West line of Lot 7, extended, to the South right-of-way line of Fremont Avenue, thence Northwesterly to the Southwest corner of Lot 9 in North Elmhurst Third Addition to the Village of Elmhurst, recorded as Document 97862 on August 9, 1909, thence Northerly along the west line of Lots 9 and 8 of said North Elmhurst Third Addition to the Southwest corner of Lot 5 of "County Clerk's Assessment Division of Lots 1 and 2 of the Plat of North Elmhurst Third Addition to the Village of Elmhurst", recorded as Document 233179 on April 8, 1927, thence Northerly along the West line, and West line extended, of Lots 1 through 5, inclusive, in said County Clerk's Assessment Division to the Northerly right-of-way line of Lake Street, thence Southeasterly along said Northerly right-of-way line to the West right-of-way line of York Street, thence Northerly along said West right-of-way line to the South line of Elmhurst Industrial Park Unit No. 1, recorded as Document R65-2240 on January 22, 1965, thence Westerly along said South line to the West line of Lot 7 in said Elmhurst Industrial Park Unit No. 1, thence Northerly

along said West lot line, extended, to the North right-of-way line of Industrial Drive, thence Easterly along said right-of-way line to the East line of Lot 31 in said Elmhurst Industrial Park Unit No. 1, thence Northerly along the East line of Lots 31 and 27 in said Elmhurst Industrial Park Unit No. 1 to the North line of said Lot 27, thence Westerly along said North line to the East line of Lot 26 in said Elmhurst Industrial Park Unit No. 1, thence Northerly along said East line, extended, to the Northeast corner of Lot 22 in said Elmhurst Industrial Park Unit No. 1, thence Northerly to the Southwest corner of York Grand Estates Unit Number One, recorded as Document 426473 on July 23, 1941, thence Northerly along the West line of said York Grand Estates Unit Number One, extended, to the Southwest corner of Lot 2 of Klefstad's Elmhurst Subdivision, recorded as Document R93-172175 on August 4, 1993, thence Easterly 266.01 feet to the Southeast corner of said Lot 2, thence continuing Easterly 292.27 feet along the South line of Lot 23 in Addison Township Supervisors Assessment Plat No.5, recorded as Document 465944 on August 9, 1944, thence Northerly to a point on the South line of Peter's 2nd Subdivision, recorded as Document R69-11385 on March 18, 1969, thence Westerly along said South line 33 feet, thence Northerly 33.75 feet, thence Westerly 134.35 feet to the Southwest corner of said Peter's 2nd Subdivision, thence Northerly along the West line of said Subdivision 161.76 feet to the North Line of Peter's Subdivision, recorded as Document R68-41940 on September 11, 1968, thence Westerly along said North line 124.78 feet to the East line of said Lot 2 in said Klefstad's Elmhurst Subdivision, thence Northerly along said East line of Lot 2 233.96 feet to the Northeast corner of said Lot, thence West along the North line 277.13 feet to the most Westerly East line of Lot 1, thence North along the East line to the Northwest corner of Lot 1, thence West along the North line 275 feet to the Southeast corner of Lot 75 in said Elmhurst Industrial Park Unit No. 2, thence Westerly on the South line to the Southwest corner of said Lot 75, thence Northerly along the West line, and West line extended, of said Lot 75 to the place of beginning, all in DuPage County, Illinois.

EXHIBIT A-1

Map of Redevelopment Project Area



Proposed York St TIF District

Proposed Properties



0 100 200 300 400 Feet

EXHIBIT B

Legal Description of Property

LEGALLY DESCRIBED AS FOLLOWS:

PARCEL 1: A TRACT OF LAND COMPRISED OF PART OF THE SOUTHWEST QUARTER OF SECTION 26, PART OF THE NORTHEAST QUARTER OF SECTION 35, ALL OF LOT 1 AND PART OF LOT 2 IN ELMHURST INDUSTRIAL PARK UNIT NUMBER ONE, BEING A SUBDIVISION IN SECTIONS 26 AND 35, ALL IN TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN; THE PERIMETER OF SAID TRACT BEING DESCRIBED AS: BEGINNING AT A POINT IN THE EAST LINE OF LOT 2, AFORESAID, 80 FEET NORTH OF THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 17 DEGREES 40 MINUTES 18 SECONDS WEST 42.00 FEET; THENCE SOUTH 44 DEGREES 30 MINUTES 45 SECONDS WEST 3.00 FEET; THENCE SOUTH 08 DEGREES 11 MINUTES 40 SECONDS WEST 28.18 FEET TO A POINT ON THE SOUTH LINE OF LOT 2, AFORESAID, 45.0 FEET WEST OF THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 00 DEGREES 40 MINUTES 00 SECONDS WEST 337.91 FEET TO THE SOUTHWEST CORNER OF LOT 2, AFORESAID; THENCE NORTH 00 DEGREES 20 MINUTES 00 SECONDS WEST ALONG THE WEST LINE OF LOTS 1 AND 2, AFORESAID, AND A NORTHERLY EXTENSION THEREOF, 654.79 FEET TO A POINT 26.40 FEET NORTH 0 DEGREES 20 MINUTES 00 SECONDS WEST OF THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 26, AFORESAID; THENCE NORTH 00 DEGREES 30 MINUTES 00 SECONDS EAST PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 26, AFORESAID, 328.00 FEET TO THE WEST LINE OF YORK ROAD; THENCE SOUTH 0 DEGREES 20 MINUTES 00 SECONDS EAST ALONG THE WEST LINE OF YORK ROAD 828.00 FEET TO THE POINT OF BEGINNING, IN DU PAGE COUNTY, ILLINOIS.

PARCEL 2: LOT 1 IN GULF OIL CORPORATION SUBDIVISION OF PART OF LOT 3 IN ELMHURST INDUSTRIAL PARK UNIT NUMBER ONE, A SUBDIVISION OF PART OF SECTIONS 26 AND 35, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID GULF OIL CORPORATION SUBDIVISION RECORDED DECEMBER 31, 1986 AS DOCUMENT NUMBER 800-00483, IN DU PAGE COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1 (SAID NORTHEAST CORNER BEING THE INTERSECTION OF THE WEST LINE OF YORK ROAD AND THE SOUTH LINE OF INDUSTRIAL DRIVE) TURNING THENCE SOUTH 0 DEGREES 20 MINUTES EAST ALONG THE EAST LINE OF SAID LOT 1 (WEST LINE OF YORK ROAD), 23.81 FEET TO AN ANGLE POINT; THENCE SOUTH 7 DEGREES 17 MINUTES WEST ALONG SAID EAST LINE (WEST LINE OF YORK ROAD), 80.18 FEET TO AN ANGLE POINT; THENCE SOUTH 1 DEGREE 30 MINUTES WEST ALONG SAID EAST LINE (WEST LINE OF YORK ROAD), 86.70 FEET TO A POINT ON A LINE WHICH IS 150.00 FEET SOUTH OF AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE NORTH LINE OF SAID LOT 1; THENCE SOUTH 80 DEGREES 40 MINUTES WEST ON SAID PARALLEL LINE 138.77 FEET TO A POINT ON A LINE WHICH IS 226.85 FEET EAST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE WEST LINE OF SAID LOT 3 IN ELMHURST INDUSTRIAL PARK UNIT NUMBER ONE, REFERRED TO ABOVE; THENCE NORTH 0 DEGREES 20 MINUTES WEST ON SAID PARALLEL LINE 190.0 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1 (SOUTH LINE OF INDUSTRIAL DRIVE); THENCE NORTH 80 DEGREES 40 MINUTES EAST ON SAID NORTH LINE (SOUTH LINE OF INDUSTRIAL DRIVE), 190 FEET TO THE PLACE OF BEGINNING, EXCEPT THAT PORTION TAKEN FOR ROAD PURPOSES DESCRIBED AS FOLLOWS: THAT PART OF THE NORTH 190.0 FEET, AS MEASURED ON THE WEST LINE (EXCEPT THAT WEST 218.85 FEET THEREOF) OF LOT 3 ELMHURST INDUSTRIAL PARK UNIT NUMBER ONE BEING A SUBDIVISION IN SECTION 26, AND 35, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 22, 1985 AS DOCUMENT 800-2240, IN DU PAGE COUNTY, ILLINOIS; COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 3 FOR A POINT OF BEGINNING; THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 85.0 FEET TO A POINT; THENCE EASTERLY ALONG A LINE, TURNING AN ANGLE OF 181 DEGREES 04 MINUTES 31 SECONDS TO THE LEFT OF THE LAST DESCRIBED LINE, A DISTANCE OF 37.0 FEET TO A POINT; THENCE SOUTHEASTERLY ALONG A LINE TURNING AN ANGLE OF 46 DEGREES 25 MINUTES 00 SECONDS TO THE RIGHT OF THE LAST DESCRIBED LINE EXTENDED A DISTANCE OF 41.88 FEET TO A POINT; THENCE SOUTHERLY ALONG A LINE, TURNING AN ANGLE OF 23 DEGREES 27 MINUTES 53 SECONDS TO THE RIGHT OF THE LAST DESCRIBED LINE EXTENDED A DISTANCE OF 100.03 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT 3 A DISTANCE OF 86.70 FEET TO A POINT ON SAID EAST LINE; THENCE NORTHEASTERLY ALONG SAID EAST LINE OF LOT 3 A DISTANCE OF 80.18 FEET TO A POINT; THENCE NORTHERLY ALONG SAID EAST LINE OF LOT 3 A DISTANCE OF 23.81 FEET TO THE POINT OF BEGINNING, EXCEPTING THE NORTH 80.0 FEET OF LOT 3 FOR DRAINAGE EASEMENT, IN DU PAGE COUNTY, ILLINOIS.

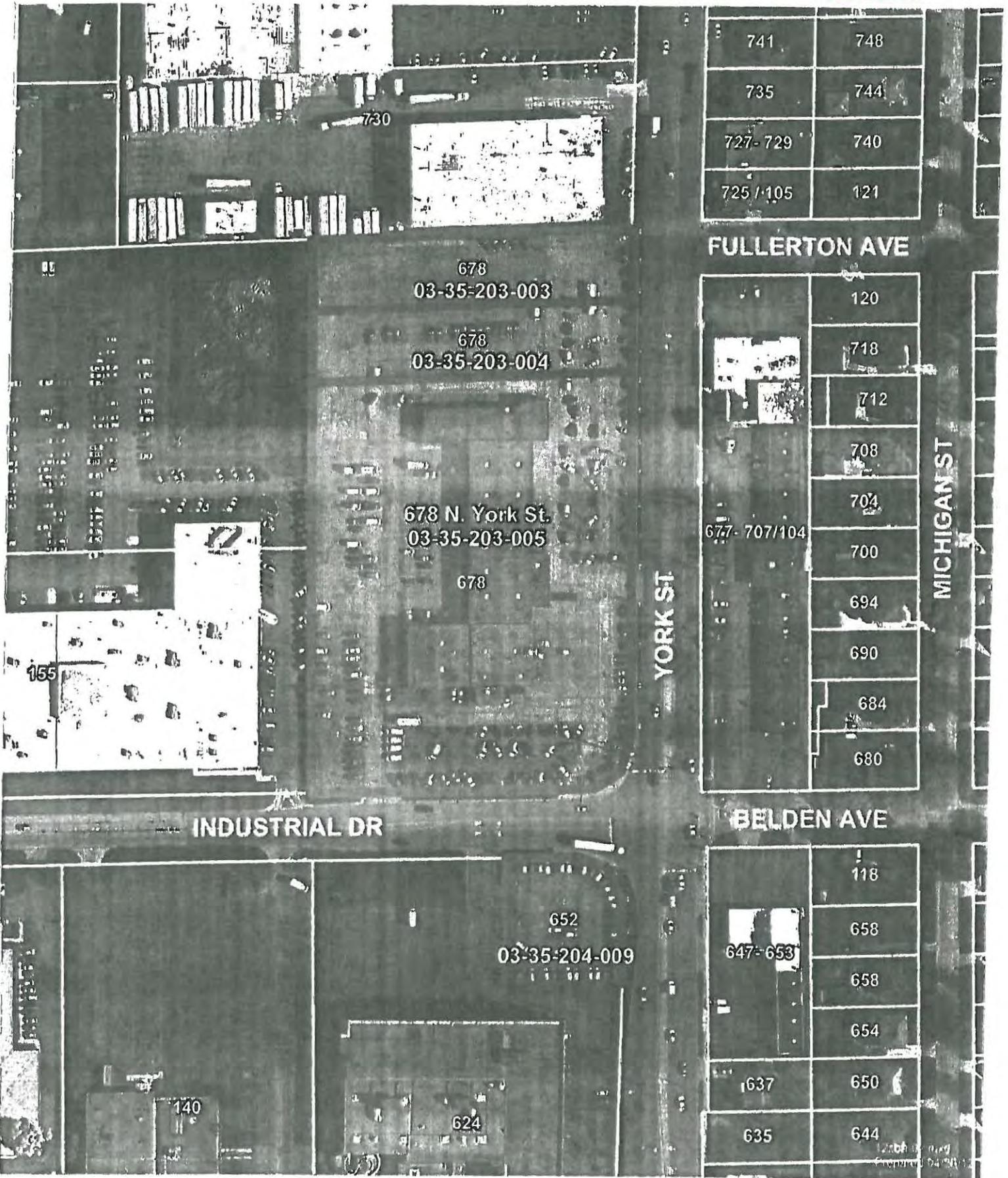
PARCEL 1 CONTAINING 251,422 SQ. FT. OR 5.7719 ACRES
PARCEL 2 CONTAINING 19,982 SQ. FT. OR 0.4587 ACRES

THE FOREGOING LEGAL DESCRIPTION DESCRIBES THE SAME PROPERTY AS SHOWN IN SCHEDULE A OF TITLE INSURANCE COMMITMENT NUMBER 1410 080112190 HL BEARING AN EFFECTIVE DATE OF AUGUST 2, 2011 AS PREPARED BY CHICAGO TITLE INSURANCE COMPANY

THE SUBJECT PROPERTY ADJOINS N. YORK ROAD (A PUBLIC STREET) ON THE EAST AND ADJOINS INDUSTRIAL DRIVE (A PUBLIC STREET) BETWEEN PARCELS; DIRECT ACCESS IS PROVIDED VIA THE AFOREMENTIONED STREETS.

EXHIBIT B-1

Map of Property



Zoning Case 12 ZBA-02
 Mariano's Setback Variation

 Subject Site



0 25 50 100 150 200 Feet

2010 Aerial Photo.
 2011 Tax Parcels provided by DuPage County.
 Tax parcels are for assessment purposes only.
 No guarantee of accuracy should be assumed.

EXHIBIT C

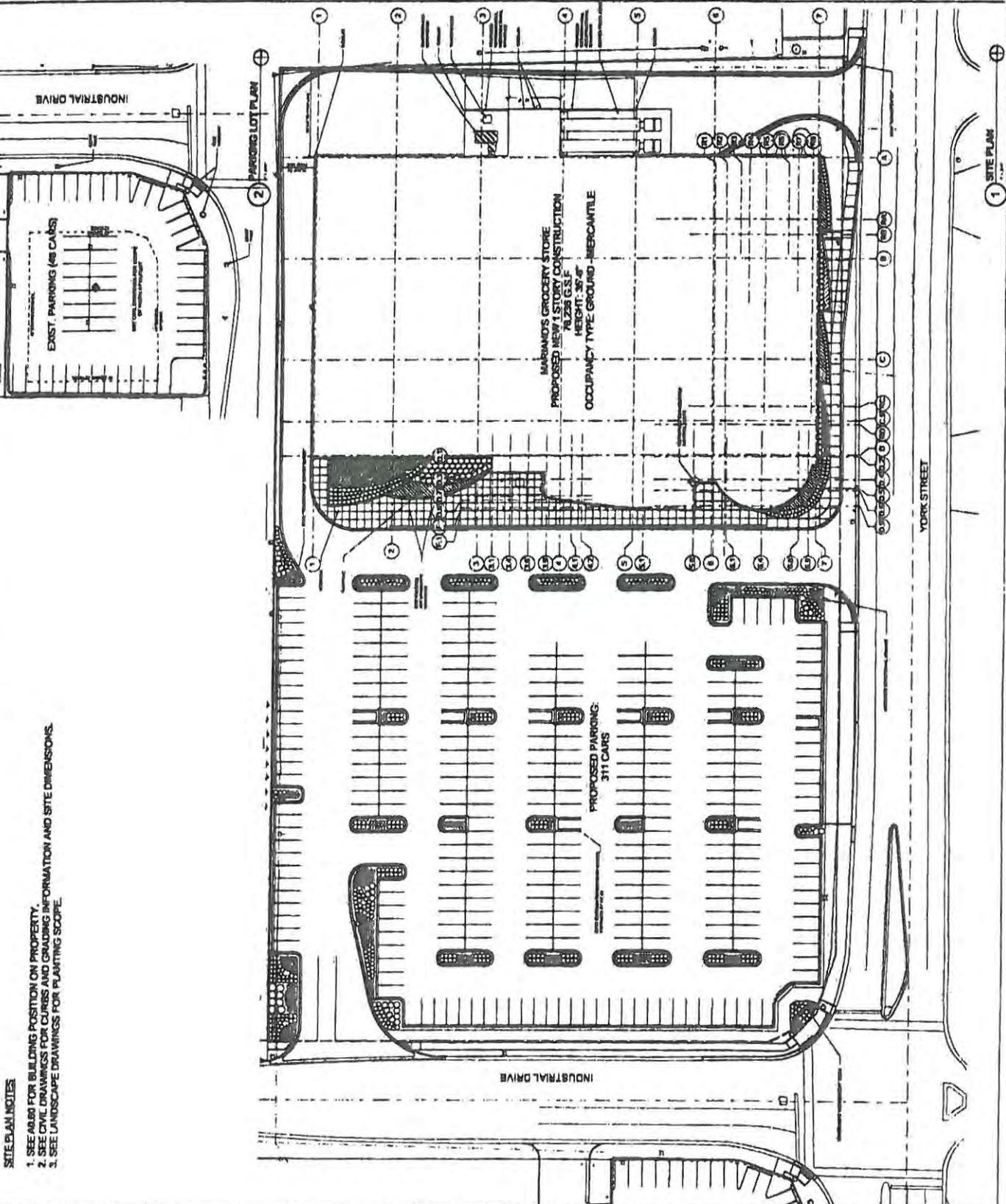
Site Plan

Professional Engineer	Professional Seal
Professional Architect	Professional Seal
Professional Landscape Architect	Professional Seal
Professional Surveyor	Professional Seal
Professional Engineer	Professional Seal
Professional Architect	Professional Seal
Professional Landscape Architect	Professional Seal
Professional Surveyor	Professional Seal

DATE	NOV 15 2011
PROJECT	MARKAND'S GROCERY STORE
CLIENT	MARKAND'S GROCERY STORE
DESIGNER	MARKAND'S GROCERY STORE
SCALE	AS SHOWN
DATE	NOV 15 2011

MARKAND'S GROCERY STORE
 78,238 G.S.F.
 HEIGHT: 32'-0"
 OCCUPANCY TYPE: GROUND-MERCANTILE

SITE PLAN
 A1.01
 2/11/10



- SITE PLAN NOTES**
1. SEE ALSO FOR BUILDING POSITION ON PROPERTY.
 2. SEE CIVIL DRAWINGS FOR CURBS AND GRADING INFORMATION AND SITE DIMENSIONS.
 3. SEE LANDSCAPE DRAWINGS FOR PLANTING SCOPE.

EXHIBIT D

Redevelopment Project Costs

Eligible Costs*:

1.	Land Acquisition	\$5,375,000
2.	Demolition	100,000
3.	Environmental	100,000
4.	Off Site Improvements	100,000
	TOTAL	<u>\$5,675,000</u>

*Partial List

EXHIBIT E

**Form of a Tax Increment
Financing Requisition Certificate**

TO: CITY OF ELMHURST, ILLINOIS
FROM: YORK STREET VENTURES, LLC
SUBJECT: CITY OF ELMHURST TAX INCREMENT FINANCING REDEVELOPMENT AGREEMENT (MARIANO'S PROJECT)

This represents Requisition Certificate No. _____ in the total amount of \$ _____ for payment of costs of the Grocery Store Project.

The undersigned does certify that:

- 1. All of the expenditures for which moneys are requested hereby represent proper costs of the Grocery Store Project, have not been included in a previous Requisition Certificate and have been properly recorded on the City's books.
- 2. The moneys requested hereby are not greater than those necessary to meet obligations due and payable or to reimburse _____ for funds actually advanced for costs of the Grocery Store Project. The moneys requested do not include retention or other moneys not yet due or earned under construction contracts.
- 3. After payment of moneys hereby requested, there is anticipated to remain available, or expected to become available, to the City (from the _____ Fund) sufficient funds to complete the Grocery Store Project substantially in accordance with the plans and specifications therefor.

4. All of the payment herein requested from the _____ Fund have been used or are being used by the Developer for eligible tax increment financing costs of the Grocery Store Project first incurred on or after _____.

Executed this _____ day of _____, _____.

YORK STREET VENTURES, LLC,
_____, Illinois

By: _____
Its Managing Member

Approved:

City of _____

By: _____
Its: _____

Acknowledged:

_____,
as City Financial Advisor

By: _____
Its: _____

SCHEDULE TO REQUISITION CERTIFICATE NO. _____

PAYEE

AMOUNT

PURPOSE

NORTH YORK STREET (TIF 4)**Section 2 – Additional Information****AMENDED - For period ended 4/30/13 and the period ended 12/31/13**

- 1) **Additional information on the use of all funds received under this Division and steps taken by the municipality to achieve the objectives of the redevelopment plan**

The City Council approved a Resolution (R-57-2013) authorizing the execution of a professional consulting services agreement with Houseal Lavigne Associates to prepare a long-term land use plan for the North York Street Redevelopment Area Project.

Previously, the City of Elmhurst entered into a loan agreement (Letter of Credit) with a consortium of local lending institutions headed by Fifth/Third Bank, Elmhurst. This agreement, entered into as of July 31, 1994, provides for up to \$4.5 million dollars to be made available to the City on a “draw-down/as needed” basis for purposes appropriate to achieve the objectives of the three redevelopment plans. During FY 2012, the City and Fifth/Third Bank entered into two agreements to modify and extend the term of the loan. The first agreement extended the loan until October 31, 2011 and the second agreement modified the terms and extended the loan until October 31, 2014. The modified terms include a floating interest rate based on the one month LIBOR plus 80.0 basis points, a reduction in the maximum principal amount of the Note to \$3,000,000 and the imposition of a service fee of 20 basis points on the unused balance of the Note. **During Fiscal Year 2013, the City modified the terms of the loan where all TIF Districts could access the line of credit, including the new North York Street TIF IV. During this same reporting period, the City utilized the Letter of Credit to borrow \$2,386,299 to purchase 260 N. York Street and to pay the first installment to York Street Ventures for the development of a Mariano’s Fresh Market. The City Also paid \$6,453 in interest expense on the Letter of Credit.**

Prior to the development of the Hahn property, the City continues to lease space in the 242 N. York Building. During the current fiscal year, the City paid \$8,000 for the management of this building and received \$31,000 in rental income.



CITY OF ELMHURST

209 NORTH YORK STREET
ELMHURST, ILLINOIS 60126-2759

(630) 530-3000
www.elmhurst.org

PETER "PETE" DICIANNI
MAYOR
PATTY SPENCER
CITY CLERK
DAVID DYER
CITY TREASURER
JAMES A. GRABOWSKI
CITY MANAGER

MINUTES OF JOINT REVIEW BOARD (JRB) MEETING FOR THE PROPOSED CITY OF ELMHURST NORTH YORK STREET TIF DISTRICT

July 2, 2012

5:00 P.M. – Elmhurst City Council Chambers

Call to Order

Alderman Steve Morley called the meeting to order at 5:08 p.m.

Introduction of Representatives

The following members were in attendance and introduced themselves

Representative

Michael Mariani
Kathryn Cermak-Durante
Jim Collins
Steve Morley
Jim Rogers
Paul Hoss

Member

York Township
Addison Township
Comm. Unit School District 205 (CUSD 205)
City of Elmhurst
Elmhurst Park District (EPD)
DuPage County

Others Present: Robert Rychlicki and Charles Blondo, Kane, McKenna and Associates; Brian Baugh, Attorney for the City of Elmhurst.

Selection of Public Member

A motion was made by Steve Morley (City of Elmhurst) and seconded by Paul Hoss (DuPage County) to nominate Kurt Warnke as the public member. With no discussion, the motion was approved unanimously by voice vote. Following the vote, Kurt Warnke gave a brief overview of his background.

Selection of Chairperson

A motion was made by Paul Hoss and seconded by Kurt Warnke to nominate Steve Morley as the JRB Chairperson. With no discussion, the motion was approved unanimously by voice vote.

Review of Joint Review Board Procedures and Duties

Robert Rychlicki of Kane, McKenna and Associates, Inc. presented an overview of the procedures, responsibilities and timing of the JRB per state statutes in regards to the implementation of a TIF District. He noted that the JRB is responsible for reviewing the redevelopment plan and project for the proposed redevelopment project area (RPA) and to determine if the RPA meets the

Page 2

July 2, 2012

Joint Review Board Meeting – Proposed North York TIF District

criteria to be designated as a TIF District. Mr. Rychlicki also explained the JRB reporting options to the Elmhurst City Council of their findings and that the City Council has the authority to approve the TIF District.

TIF Plan and TIF Eligibility Criteria – Review

Mr. Rychlicki reviewed the proposed North York TIF plan and eligibility report and stated that the RPA qualifies as a conservation area. He explained that to be designated as a conservation area, 50% or more the structures located within the RPA have to be 35 years of age or older and that at least three (3) of thirteen (13) qualification factors must be present. Mr. Rychlicki noted that 68% of the structures within the North York RPA were found to be 35 years old or older and that six of the factors were present. The six factors noted as present within the RPA include obsolescence, deterioration, excessive vacancies, deleterious land use or layout, lack of community planning and lag in equalized assessed valuation (EAV). Mr. Rychlicki provided a brief overview of the six factors in addition to reviewing the boundary map of the North York RPA. He also provided a summary of the redevelopment plan and noted that the plan identifies the boundaries of the RPA with a map and legal description, it summarizes the City's goals and objectives for redevelopment, it provides an estimate of redevelopment costs and it provides an estimate of the beginning and ending EAV. The next steps for the North York TIF process were also noted by Mr. Rychlicki and include the JRB consideration of the plan and eligibility factors, the Public Hearing on August 6th and the City Council consideration of the TIF Ordinances after a 14 day waiting period. (See attached power point presentation provided to the JRB by Mr. Rychlicki regarding the review of the TIF Plan and eligibility criteria).

Review of Draft TIF Ordinances

The three Ordinances approving the redevelopment plan and project, designating the RPA and adopting tax increment financing were briefly reviewed by Brian Baugh, Attorney for the City of Elmhurst. Based on the question from Mr. Morley on what the JRB approves, Attorney Baugh responded that the City Council is responsible for approving the Ordinances not the JRB. Mr. Morley asked if there were any other questions on the Ordinances and there were none.

Questions/Comments (Chairperson)

Chairperson Morley asked if there were any comments or questions from the JRB. Mr. Collins (CUSD 205) stated that the TIF District will have the greatest impact on CUSD 205 since 70% of the tax bill is for the School District that currently serves 8,000 school children and will serve another 8,000 children during the term of the TIF District. Mr. Collins moved to delay the vote of the JRB since the Ordinances were only distributed last Friday and that the City, School and Park Districts met last Thursday, and again this morning on a revenue sharing agreement that has not been approved. Mr. Rogers (EPD) concurred with the School District request stating that more time was needed. Mr. Morley noted that a revenue sharing agreement falls outside of the requirements of the JRB meeting and asked Attorney Baugh what are the responsibilities of the JRB. Attorney Baugh reviewed the JRB duties and responsibilities noting that the JRB is

Page 3

July 2, 2012

Joint Review Board Meeting – Proposed North York TIF District

responsible for reviewing the redevelopment plan and project including the qualification report and to determine if the RPA meets the eligibility criteria as defined in the TIF Act. Ms. Cermak-Durante (Addison Township) stated that the JRB should approve it tonight since many of the members are present and it is difficult to get everyone together due to busy schedules. Mr. Mariani (York Township) agreed stating he was ready to vote tonight. Mr. Collins commented on how important this issue is and that the time should be made available to deal with it appropriately. Mr. Morley opened the meeting for public comments. Terry Pastika from the Citizens Advocacy Center agreed that the request should be delayed, asked why the properties south of North Avenue were included, how this affects the 2004 Intergovernmental Agreement and was shocked on the lack of information going to the School and Park Districts. Tamara Brenner noted that the JRB has up to 30 days to decide and asked how the Plan will affect the School and Park Districts.

Consideration of JRB Recommendations to City Council Regarding the Designation of the North York Street TIF District (Chairperson)

The procedures on how to continue the JRB meeting to a later date were briefly discussed. Following that discussion, a motion was made by Mr. Collins, and seconded by Mr. Rogers, to continue the JRB meeting until July 19, 2012 at 5:00 p.m. The motion was denied by a roll call vote of 3 yes and 4 no votes (Yes – Collins, Rogers and Morley; No – Hoss, Warnke, Cermak-Durante and Mariani). Mr. Hoss noted that as presented, the redevelopment plan and project in addition to the eligibility criteria meet the statutory requirements for a TIF District and that an Intergovernmental agreement is not part of the responsibilities of the JRB. He also stated that based on some of the comments made during the meeting, he was confident that the City would continue to work with the other taxing bodies on an Intergovernmental agreement for revenue sharing. A motion was then made by Mr. Mariani and seconded by Ms. Cermak-Duante to approve the resolution recommending the City Council approve the North York Street TIF District. The motion was approved by roll call vote of 5 yes, 1 no and 1 present (Yes – Mariani, Cermak-Durante, Morley, Warnke and Hoss; No – Rogers; Present – Collins).

Review of Timetable and Next Steps

Chairperson Morley briefly reviewed the timetable provided earlier noting that the Public Hearing will be held on August 6, 2012 at 7:30 p.m. in the City Council Chambers.

Adjournment

A motion by Mr. Hoss and seconded by Mr. Mariani to adjourn the meeting of the JRB of the Proposed North York TIF was unanimously approved by voice vote.

Meeting adjourned: 6:30 P.M.

Submitted by: Thomas W. Troslen, Assistant Director of Finance

**City of Elmhurst Proposed
North York Street TIF District**

Joint Review Board Meeting
July 2, 2012

**City of Elmhurst Proposed North
York Street TIF District**

The TIF Act requires a municipality to first demonstrate that 50% or more of the structures in the TIF are 35 years of age or older and then to identify three (3) or more qualification factors included in the next chart are present prior to a proposed TIF designation as a conservation area.

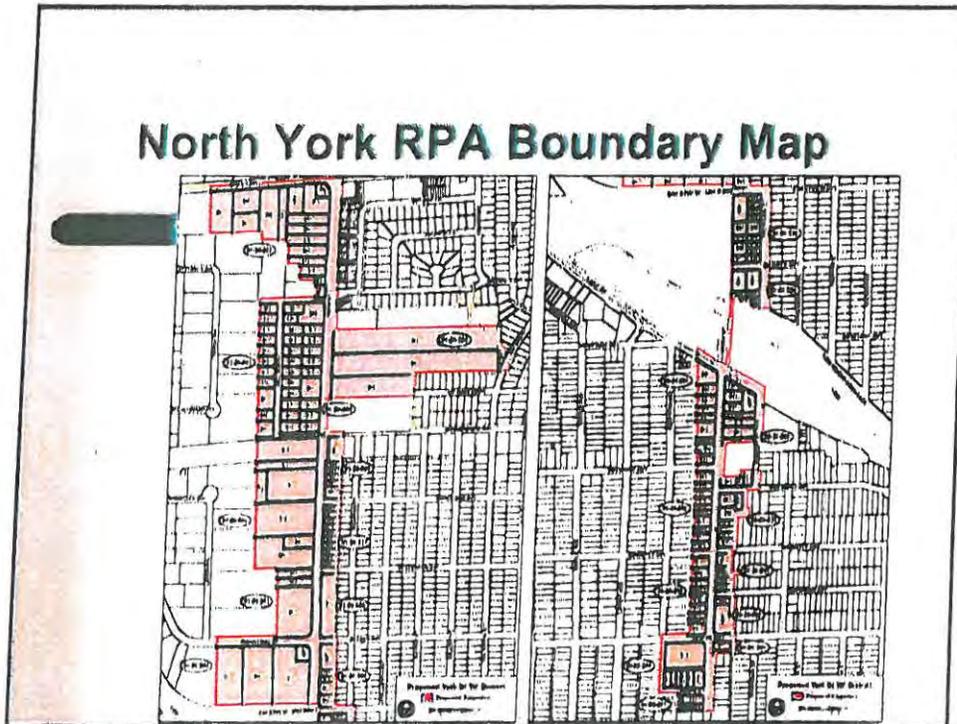
**TIF Qualification Factors
Included in the TIF Act
For a Conservation Area (in addition to
age)**

- | | |
|--|--|
| 1) Dilapidation | 8) Inadequate utilities |
| 2) Obsolescence | 9) Excessive coverage |
| 3) Deterioration | 10) Deleterious land use |
| 4) Presence of structures below code | 11) Environmental clean up |
| 5) Illegal uses | 12) Lack of community planning |
| 6) Excessive vacancies | 13) Lag or decline in equalized assessed valuation (EAV) |
| 7) Lack of ventilation and sanitary facilities | |

**TIF Qualification Factors Present
for the Proposed North York Street
TIF**

- | | |
|-----------------------------------|--|
| TIF Factors present | <ul style="list-style-type: none"> • 68% of the structures in the TIF District were found to be 35 years old or older and the minimum three factors are present plus three additional factors |
| 1) Obsolescence | |
| 2) Deterioration | |
| 3) Excessive vacancies | |
| 4) Deleterious land use or layout | |
| 5) Lack of community planning | |
| 6) Lag in EAV | |

North York RPA Boundary Map



Proposed Elmhurst North York Street TIF: Area Conditions

- 68% of the structures in the RPA are in excess of 35 years of age.
- The RPA developed in piece meal fashion over the years and will require coordination by the City in order to address the adverse factors present.
- The growth of EAV of all the properties in the RPA lagged behind the growth in EAV of the remainder of the City for 4 of the last 5 years.

Obsolescence

- Obsolescence is exhibited in part by a large number of retail/commercial tenant spaces which are currently vacant. The lack of adequate parking and separate loading and unloading areas also contributes to the finding (current conditions in relation to market requirement for mid to large retailers).
- Multiple curb cuts on York Street increase the likelihood of slowing traffic and increased accidents, given that York Street has one of the largest traffic counts in the City.
- Many facilities exhibit outmoded or "tired" physical conditions.

Obsolescence

In addition, obsolescence is demonstrated by higher than average vacancy rates, the age of the structures, and the lag in EAV growth for the RPA when compared with the EAV growth for remainder of the City. These factors when combined have the potential to cause a negative spill over for the surrounding area and may deter other property owners from reinvesting in their own properties.

Deterioration

- Deterioration is present in 54% of the parcels contained in the RPA.
- Building conditions included damaged fascias, doors, windows frames, and missing mortar all of which require repairs, upgrades and/or replacement.
- Surface conditions included cracking of pavement, potholes, depressions in roadway and parking areas, weeds protruding through paved and concrete surfaces, and loose gravel or unpaved surfaces in parking areas and driveways.

Excessive Vacancies

- The RPA contains approximately 24 vacant commercial and industrial buildings, representing over 210,600 square feet or 19% of the total square footage for commercial and industrial buildings in the RPA. Two of the vacancies comprise approximately 9.6 acres of land.
- In relation to the TIF Act finding that "buildings that are unoccupied or underutilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies", the properties have been largely vacant for several years, and their declining physical condition and valuations support the finding of an adverse influence on the area.

Deleterious Land Use or Layout

- According to County and Township records and discussions with City staff 52% of the structures in the RPA were built between 40 to 70 years ago.
- Properties were developed with little regard to adjacent land use; currently in some cases commercial, industrial, retail, and residential uses inappropriately overlap or exist in close proximity to each other with little or no buffering.
- There are also issues related to ingress/egress which affect turning, loading and parking.

Lack of Community Planning

- Much of the development in the RPA occurred prior to the City adopting its initial Comprehensive Plan and subsequent amendments and before the City followed its existing planning and development procedures.
- Previous developments attempted to reuse smaller former residential lots resulting in a multiplicity of retail and commercial uses lacking: (1) effective buffering from residential uses, (2) varied building setbacks, (3) adequate parking, and (4) separate loading and unloading areas; it also created multiple curb cuts affecting efficient traffic flow

Lag in Proposed TIF EAV compared to Remainder of City (all amounts in Millions/Billions)

Year	2007	2008	2009	2010	2011
EAV	35.05	37.07	36.15	32.26	31.93
Pct. Change	(2.28)%	5.78%	(2.49)%	(10.77)%	(1.01)%
Balance of City	2,219.26	2,422.32	2,425.80	2,246.89	2,121.86
Pct. Change	11.23%	9.15%	.14%	(7.36)%	(5.56)%

City Redevelopment Objectives

- Coordinate the redevelopment within the RPA to provide positive marketplace signal and to conform with recent City planning efforts.
- Eliminate or reduce adverse factors in the RPA and accomplish redevelopment within a reasonable time.
- Improve the tax base of the area.
- Provide high quality public improvements and an attractive appearance for the area.

Redevelopment Plan Summary

- Identifies TIF district boundaries with map and legal description.
- Summarizes City goals and objectives for redevelopment, including a general description of redevelopment activities and land uses.
- Provides an estimate of redevelopment project costs (TIF budget).

Redevelopment Plan Summary, continued

Land acquisition & related costs - \$15,000,000
Site preparation - \$15,000,000
Utility improvements - \$19,500,000
Public Facilities - \$15,000,000
Rehabilitation- \$7,500,000
Interest costs per the TIF Act - \$2,500,000
Planning and professional costs - \$11,625,000
Job Training - \$1,000,000
Potential Tuition Costs - \$2,000,000
Total Estimated Project Costs - \$89,125,000

Redevelopment Plan Summary, continued

Estimated base equalized assessed
valuation (2011 tax year) - \$31,933,850

Estimated TIF EAV upon completion of TIF
redevelopment over a 23 year period :
\$105,000,000 to \$150,000,000

Variables That Could Impact Redevelopment

- The costs and actual budget of the proposed redevelopment activities.
- Market interest rates in effect at the time of redevelopment.
- Timetables for implementation of public and private activities.

All of these variables could materially affect TIF projections and the amount of tax increment generated within the TIF.

Next Steps – TIF Process

- Joint Review Board consideration/review of City TIF redevelopment plan and eligibility factors.
- Public Hearing scheduled for August 6, 2012.
- City Council must wait at least 14 days after close of public hearing to consider adoption of TIF ordinances.



CITY OF ELMHURST
209 NORTH YORK STREET
ELMHURST, ILLINOIS 60126-2759
(630) 530-3000
www.elmhurst.org

STEVEN M. MORLEY
MAYOR
PATTY SPENCER
CITY CLERK
ELAINE LIBOVICZ
CITY TREASURER
JAMES A. GRABOWSKI
CITY MANAGER

MINUTES OF JOINT REVIEW BOARD MEETING

December 10, 2012

6:08 P.M. – Elmhurst City Council Chambers

Annual Joint Review Board (JRB) Meeting - Fiscal Year 2011/12*

- Central Business District Redevelopment Project (TIF I)
- Lake Street Redevelopment Project (TIF II)
- Rt. 83/St. Charles Road Redevelopment Project (TIF III)

Board Members Present: William Gooch, Public Member (TIF I)
Dr. Robert Gorsky, Public Member (TIF III)
Steve Morley, City of Elmhurst (TIF I)
Mark Mulliner, City of Elmhurst (TIF II)
Patrick Wagner, City of Elmhurst (TIF III)
Cathy Medema, Elmhurst Park District
John McDonough, Elmhurst CUSD 205
Bruce Schmiedl, College of DuPage 502

Others: James Grabowski; Brian Baugh.

Steve Morley welcomed everyone and introductions of the Joint Review Board (JRB) were made. City Manager Grabowski reviewed the agenda and noted that TIF IV was not included because it was approved after the reporting date of April 30, 2012. He also explained that the annual meetings to review the status and effectiveness of the three Tax Increment Financing (TIF) Districts during the past year (report for fiscal year ending April 30, 2012) are required by law and the make-up of the three JRBs was also noted. City Manager Grabowski explained that a power point presentation was again prepared for the Board meeting to assist in communicating the status of TIF in Elmhurst (hard copy attached).

City Manager Grabowski noted the location of the City's three TIF Districts and added that the map also included the location of the new North York Street TIF District. He started the discussion of TIF I by briefly reviewing the boundary of the original project area of the TIF District and the amended project areas and remaining EAV due to the release of parcels in 2004, 2006 and 2007. He noted that the EAV has been declining, the released EAV increment (53.9%) is greater than the remaining EAV increment (46.1%) in TIF I, the remaining EAV increment of 31,621,455 is slightly down from the previous year and it generated property tax increment of \$1,897,983. Additional highlights noted during the TIF I review included the following: the fund

Page 2
December 10, 2012
Annual Joint Review Board Meeting

balance/income statement schedule was reviewed noting the beginning fund balance of \$805,254, revenues of \$2,788,756, expenditures of \$2,650,880 and an ending FY 2012 fund balance of \$943,130; total expenditures listed in Section 3.2A of \$2,650,880 includes debt service payments; Section 3.2B lists vendors that were paid in excess of \$10,000; projected debt obligations and designated project costs exceed fund balance by \$6,788,226 so no available surplus; no property was purchased during the reporting period; no new projects were started however, it was noted that the ratio of private to public investment in TIF I was 6 to 1; and, the requirement to provide a schedule listing Intergovernmental Agreements was added recently to the annual reporting. Comments and questions from the JRB members regarding the 2004 Intergovernmental Agreement and projected surpluses and new growth in the CBD TIF, the status of the Hahn Street project, the SSA levies, TIF reform and a recommendation to move forward the Intergovernmental Agreement for TIF IV were briefly discussed. A motion by William Gooch and seconded by Patrick Wagner to close the annual meeting of the TIF I JRB was unanimously approved by voice vote.

Highlights noted during the TIF II review included the following: map of area and Ordinance establishing TIF II in 1993 – expiration in 2016; beginning fund balance of \$651,954, revenues of \$640,005 and ending fund balance of \$1,288,661; total expenditures of \$3,298; no payments to vendors exceeded \$10,000; the breakdown of the fund balance schedule (Section 3.3) includes the fund balance at the end of the reporting year of \$1,288,661, designated project costs of \$1,750,000 for a projected deficit of \$(461,339); the designated project costs of \$1,750,000 would be deferred to pay a surplus distribution of \$1,500,000 as proposed in the North York TIF IV Intergovernmental Agreement; no property was acquired; and no new projects were started and the extremely high ratio of private to public investment was noted. There were no questions or comments.

The review of TIF III included the following: map of area and Ordinance establishing TIF III in 1996 – expiration in 2019; beginning fund balance of \$24,013, revenues of \$439,373 and ending fund balance of \$384,490; total expenditures of \$78,896 (mostly debt service); no vendor payments in excess of \$10,000; the breakdown of the fund balance schedule (Section 3.3) includes the fund balance at the end of the reporting year of \$384,490, designated project costs includes land acquisition of \$1,500,000, and the projected deficit is \$(1,508,181); no property was acquired; no new projects were started and the ratio of private to public investment was 18 to 1. Based on questions from the JRB members, additional discussion pursued regarding the status of safety related issues (pedestrian crosswalks and signage) and periodic updates to the JRB. A motion by Patrick Wagner and seconded by Mark Mulliner to close the annual meeting of the TIF III JRB was unanimously approved by voice vote.

Meeting adjourned: 6:53 P.M.

* All three JRB meetings were held simultaneously

Submitted by: Thomas W. Trosien, Assistant Director of Finance

Tax Increment Financing(TIF): Joint Review Board Annual Meetings

Fiscal Year Ending
April 30, 2012



December 10, 2012

Agenda

- 1) Introduction, Joint Review Boards
- TIF I, II and III
- 2) JRB – TIF I Review (FY 04/30/12)
- 3) JRB – TIF II Review (FY 04/30/12)
- 4) JRB – TIF III Review (FY 04/30/12)

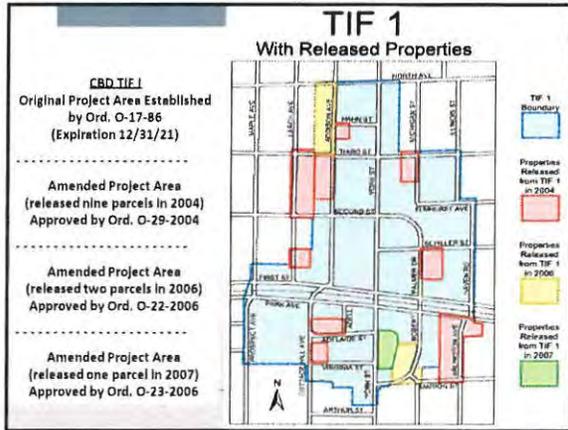
* TIF IV Review not included - approved after FY ending 04/30/12)

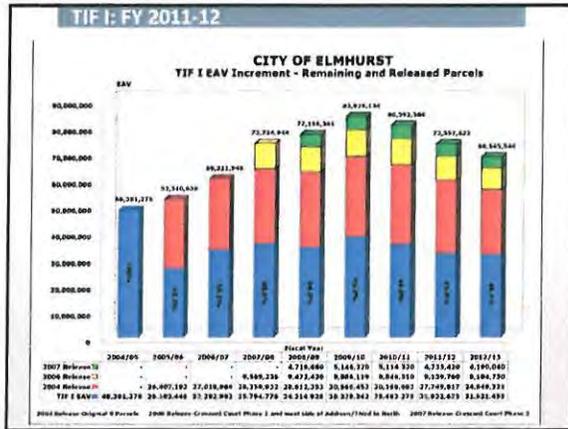
Joint Review Boards

**By law, must meet annually
to review the effectiveness
and status of the TIF District**

Joint Review Boards

TIF I:	TIF II:	TIF III:
School District 205	School District 205	School District 205
Alderman Steve Morley	Alderman Mark Mulliner	Alderman Patrick Wagner
Elmhurst Park District	Elmhurst Park District	Elmhurst Park District
Community College District 502	Community College District 502	Community College District 502
The County of DuPage	The County of DuPage	The County of DuPage
York Township	Addison Township	York Township
Mr. William Gooch	Mr. Kenneth Miller	Dr. Robert Gorsky, Ph.D.





TIF I: FY 2011-12

TIF I Property Tax Increment
Released and Remaining Parcels

2011 TAX LEVY	EAV Increment	Rate *	Property Tax Increment
2004 Release (9 Parcels)	24,649,321	6.0022	1,479,502
2006 Release	8,104,730	6.0022	486,462
2007 Release	4,190,040	6.0022	251,495
Total Released	36,944,091	6.0022	2,217,459
Remaining EAV	31,621,455	6.0022	1,897,983

* Excludes SSA #6 and SSA #7 Rates

TIF I: FY 2011-12 Section 3.1

SECTION 3.1: (65 ILCS 5/11-74.4-3)(b) and (65 ILCS 5/11-74.4-2)(b)(5)

Provide an analysis of the types and the dollar amount of:

Category	Amount	% of Total
1. Expenses for the reporting period	1,234,567	12.34%
2. Expenses for the reporting period	2,345,678	23.45%
3. Expenses for the reporting period	3,456,789	34.56%
4. Expenses for the reporting period	4,567,890	45.67%
5. Expenses for the reporting period	5,678,901	56.78%
6. Expenses for the reporting period	6,789,012	67.89%
7. Expenses for the reporting period	7,890,123	78.90%
8. Expenses for the reporting period	8,901,234	89.01%
9. Expenses for the reporting period	9,012,345	90.12%
10. Expenses for the reporting period	10,123,456	101.23%

TIF I: FY 2011-12 Section 3.2 A

SECTION 3.2 A: (65 ILCS 5/11-74.4-5)(b) and (65 ILCS 5/11-74.4-2)(b)(5)

ITEMIZED LIST OF ALL EXPENDITURES FROM THE SPECIAL TAX ALLOCATION FUND

Category of Permissible Redevelopment Cost (65 ILCS 5/11-74.4-3)(a) and (65 ILCS 5/11-74.4-2)(b)(5)	Amount	Reporting Fiscal Year
1. Costs of utility, utility and professional services—Subsection (a)(1) and (a)(1)(i)	\$1,234,567	2011
2. Costs of rehabilitation, reconstruction, repair or remodeling and replacement of existing public buildings—Subsection (a)(2) and (a)(2)(i)	\$2,345,678	2011
3. Costs of construction of public works and improvements—Subsection (a)(3) and (a)(3)(i)	\$3,456,789	2011
4. Financing costs—Subsection (a)(4) and (a)(4)(i)	\$4,567,890	2011

TIF I: FY 2011-12 Section 3.2 B

SECTION 3.2 B

List all vendors, including other municipal funds, that were paid in excess of \$10,000 during the current reporting year.

There were no vendors, including other municipal funds, paid in excess of \$10,000 during the current reporting period.

Name	Service	Amount
Storino, Roniella & Durlin	Professional/Legal	\$ 43,964.48
Van Slyke Enterprises	Professional/Consulting	\$ 33,000.00
Findzall Community Marketing	Professional	\$ 13,855.00
Elmhurst City Centre, Inc.	Professional	\$ 506,856.32
David King & Associates	Professional/Property Management	\$ 13,385.16
Transsystems Corp.	Professional/Engineering	\$ 73,185.49
Fifth Third Bank	Line of Credit Principal and Interest	\$ 1,456,205.00

TIF I: FY 2011-12 Section 3.3

SECTION 3.3: (65 ILCS 5/11-74.4-4)(b) and (65 ILCS 5/11-74.4-2)(b)(5)

Breakdown of the Balance in the Special Tax Allocation Fund At the End of the Reporting Period

FUND BALANCE, END OF REPORTING PERIOD	Amount of Original Intention	Amount Designated
1. Description of Debt Obligations	\$1,234,567	\$1,234,567
2. Description of Project Costs to be Paid	\$2,345,678	\$2,345,678
TOTAL AMOUNT DESIGNATED	\$3,580,245	\$3,580,245
SURPLUS/DEFICIT	\$1,234,567	\$1,234,567

TIF II: FY 2011-12 Section 3.2 A and B

SECTION 3.2 A - (05 ILCS 5-11-74.4-5 (b) and 05 ILCS 5-11-74.6-22 (d) (5))
ITEMIZED LIST OF ALL EXPENDITURES FROM THE SPECIAL TAX ALLOCATION FUND
 (By category for each month in the reporting period, associated with a specific liability in a calendar year)

Category of Permissible Redevelopment Cost (05 ILCS 5-11-74.4-3 (a) and 05 ILCS 5-11-74.6-10 (a))	Amount	Reporting Fiscal Year
1. Capital Expenditures	\$0	
Other Expenses	\$0	
TOTAL EXPENDITURES	\$0	

Section 3.2 B

List all vendors, including other municipal funds, that were paid in excess of \$10,000 during the current reporting year.

There were no vendors, including other municipal funds, paid in excess of \$10,000 during the current reporting period.

TIF II: FY 2011-12 Section 3.3

SECTION 3.3 - (05 ILCS 5-11-74.4-5 (d) (8) 05 ILCS 11-74.6-22 (d) (5))
Breakdown of the Balance in the Special Tax Allocation Fund At the End of the Reporting Period

FUND BALANCE, END OF REPORTING PERIOD: \$ 1,299,643

1. Description of Debt Obligations	Amount of Original Issuance	Amount Designated
1. Taxable GO Bond (by date of P/I) (line of report)	\$ 1,200,000	\$
Special Assessment (by date of P/I)	\$ 5,000	\$
Working Capital Loan	\$ 10,000	\$
Total Amount Designated for Obligations	\$ 1,215,000	\$

2. Description of Project Costs to be Paid	Amount Designated
Land Acquisition / Land Improvements (1:1 Budget)	\$ 1,000,000
Total Amount Designated for Project Costs	\$ 1,000,000

TOTAL AMOUNT DESIGNATED \$ 1,000,000

SURPLUS/(DEFICIT) \$ 299,643

TIF II: FY 2011-12 Section 4

SECTION 4 (05 ILCS 5-11-74.4-5 (d) (6) and 05 ILCS 5-11-74.6-22 (d) (5))

Provide a description of all property purchased by the municipality during the reporting fiscal year within the redevelopment project area.

No property was acquired by the Municipality Within the Redevelopment Project Area

TIF II: FY 2011-12 Section 5

SECTION 5 - 05 ILCS 5-11-74.4-5 (f) (1) (C) and 05 ILCS 5-11-74.6-22 (d) (7) (D)

If NO projects were undertaken by the Municipality within the Redevelopment Project Area (see above for Budget as provided)

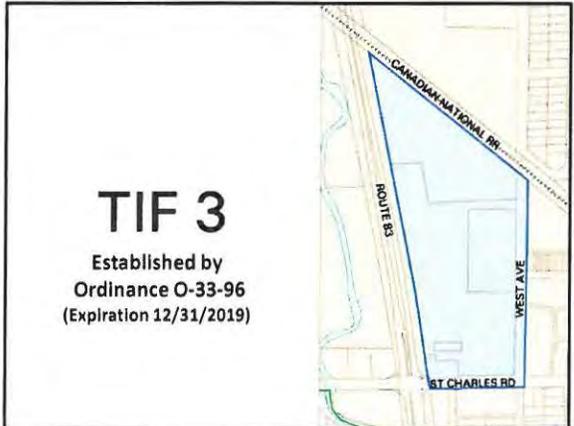
If one or MORE were undertaken by the Municipality within the Redevelopment Project Area enter the TOTAL number of projects and the total estimated costs:

TOTAL:	11/00 to Date	Estimated Investment for Subsequent Fiscal Year	Total Estimated to Complete Project
1. Acquisition/land/Improvements (1:1 Budget)	\$ 1,000,000	\$	\$ 1,000,000
Public Acquisition/Improvements	\$ 0	\$	\$ 0
State or Federal Public Acquisition	\$ 0	\$	\$ 0

TIF II: FY 2011-12

TIF II:

Questions.



TIF III: FY 2011-12 Section 3.1

SECTION 3.1 - 05 ILCS 5/11-74.4-6(b)(3) and 05 ILCS 5/11-74.4-6(b)(3)

Provide an analysis of the special tax allocation fund.

Fund Balance at Beginning of Reporting Period: (0)

Itemize all funds that are provided in Fund Budget Reporting Form	Reporting Year	1 month prior	% of Total
Operating Expenses	0	0	0%
Capital Expenditures	0	0	0%
Debt Service	0	0	0%
Other	0	0	0%
Total	0	0	0%

Total Amount Disposed of in Special Tax Allocation Fund During Reporting Period: (0)

Consideration Total Disposition with Receipts: (0)

Total Expenditures with Disbursements (Total Amount Disposed of): (0)

End of Year Balance: (0)

Total Expenditures with Disbursements: (0)

NO FINANCIAL STATEMENTS REQUIRED BY CASE EXEMPTIONS

FOUNDACTION FUND OF REVENUE FUND

TIF III: FY 2011-12 Section 3.2 A

SECTION 3.2 A - 05 ILCS 5/11-74.4-6 (b) (3) and 05 ILCS 5/11-74.4-6 (b) (3)

ITEMIZED LIST OF ALL EXPENDITURES FROM THE SPECIAL TAX ALLOCATION FUND

(By category of payment - file to allow for comparison of expenditures by reporting period)

Category of Payable Redevelopment Cost (05 ILCS 5/11-74.4-6 (b) (3) and 05 ILCS 5/11-74.4-6 (b) (3))	Amount	Reporting Fiscal Year
Construction - (Total Construction and Non-Construction - (Total Construction and Non-Construction))	0	0
Other Expenses	0	0
Total	0	0

TIF III: FY 2011-12 Section 3.2 B

Section 3.2 B

List all vendors, including other municipal funds, that were paid in excess of \$10,000 during the current reporting year.

There were no vendors, including other municipal funds, paid in excess of \$10,000 during the current reporting period.

TIF III: FY 2011-12 Section 3.3

SECTION 3.3 - 05 ILCS 5/11-74.4-6 (b) (3) and 05 ILCS 5/11-74.4-6 (b) (3)

Breakdown of the Balance in the Special Tax Allocation Fund At the End of the Reporting Period

FUND BALANCE, END OF REPORTING PERIOD: (0)

1. Description of Debt Obligations	Amount of	
	Original Issuance	Amount Outstanding
05 ILCS 5/11-74.4-6 (b) (3) and 05 ILCS 5/11-74.4-6 (b) (3)	0	0
05 ILCS 5/11-74.4-6 (b) (3) and 05 ILCS 5/11-74.4-6 (b) (3)	0	0
Total Amount Designated for Obligations	0	0

2. Description of Project Costs to be Paid	Amount
05 ILCS 5/11-74.4-6 (b) (3) and 05 ILCS 5/11-74.4-6 (b) (3)	0
Total Amount Designated for Project Costs	0

TOTAL AMOUNT DESIGNATED: (0)

SURPLUS/(DEFICIT): (0)

TIF III: FY 2011-12 Section 4

SECTION 4 [05 ILCS 5/11-74.4-6 (c) (6) and 05 ILCS 5/11-74.4-22 (c) (6)]

Provide a description of all property purchased by the municipality during the reporting fiscal year within the redevelopment project area.

No property was acquired by the Municipality Within the Redevelopment Project Area

TIF III: FY 2011-12 Section 5

SECTION 5 - 05 ILCS 5/11-74.4-6 (d) (7) (B) and 05 ILCS 5/11-74.4-22 (d) (7) (B)

NO property was redeveloped by the Municipality Within the Redevelopment Project Area

NO property was redeveloped by the Municipality Within the Redevelopment Project Area

TOTAL:	11/09 to Date	Estimated Investment for Subsequent Fiscal Year	Total Estimated to Complete Project
05 ILCS 5/11-74.4-6 (d) (7) (B) and 05 ILCS 5/11-74.4-22 (d) (7) (B)	0	0	0
05 ILCS 5/11-74.4-6 (d) (7) (B) and 05 ILCS 5/11-74.4-22 (d) (7) (B)	0	0	0
Total	0	0	0

TIF III: FY 2011-12

TIF III:

Questions.



CITY OF ELMHURST
209 NORTH YORK STREET
ELMHURST, ILLINOIS 60126-2759
(630) 530-3000
www.elmhurst.org

AMENDED
STEVEN M. MORLEY
MAYOR
PATTY SPENCER
CITY CLERK
ELAINE LIBOVICZ
CITY TREASURER
JAMES A. GRABOWSKI
CITY MANAGER

MINUTES OF JOINT REVIEW BOARD MEETING

December 9, 2013

6:02 P.M. – Elmhurst City Council Chambers

Annual Joint Review Board (JRB) Meeting - Fiscal Year 2012/13*

- Central Business District Redevelopment Project (TIF I)
- Lake Street Redevelopment Project (TIF II)
- Rt. 83/St. Charles Road Redevelopment Project (TIF III)
- North York Street Redevelopment Project (TIF IV)

Board Members Present: William Gooch, Public Member (TIF I)
Dr. Robert Gorsky, Public Member (TIF III)
Steve Morley, City of Elmhurst (TIF I/IV)
Mark Mulliner, City of Elmhurst (TIF II)
Patrick Wagner, City of Elmhurst (TIF III)
Jim Rogers, Elmhurst Park District
Jim Collins and Chris Blum, Elmhurst CUSD 205
Paul Lauricella, DuPage County

Others:
James Grabowski; Brian Baugh.

Steve Morley welcomed everyone and introductions of the Joint Review Board (JRB) were made. He noted that the JRB meetings for all of the TIF Districts would run concurrently. City Manager Grabowski reviewed the agenda and noted that the City is changing its fiscal year and that future JRB meetings will probably be held in August. He also explained that the annual meetings to review the status and effectiveness of the three Tax Increment Financing (TIF) Districts during the past year (report for fiscal year ending April 30, 2013) are required by law.

City Manager Grabowski briefly reviewed the map of Elmhurst noting each of the locations of the City's four TIF Districts. He started the discussion of TIF I by noting the make-up of the JRB members and briefly reviewing the boundary of the original project area of the TIF District and the amended project area due to the release of parcels, noting specifically the additional release of parcels (Hahn area) in 2012. The bar graph showing the history of the EAV of the released parcels, including the 2012 release, and the EAV of the remaining parcels in TIF I was reviewed and it was noted that 57.2% of the EAV has been released. He noted that the released EAV generated \$2,351,528 in property tax increment and the remaining EAV generated \$1,759,709 in increment. Additional highlights noted during the TIF I review included the following: the fund

Page 2

December 9, 2013

Annual Joint Review Board Meeting

balance/income statement schedule was reviewed noting the beginning fund balance of \$943,130, net income of \$1,269,549, an ending FY 2013 fund balance of \$2,212,679, and a new line added to the report for total amount designated of \$(2,463,036); total expenditures listed in Section 3.2A included other expenses of \$520,962 that represent the SSA payments to the City Centre, streetscape and other public improvement expenses of \$684,545 and debt service payments of \$524,568; Section 3.2B lists vendors that were paid in excess of \$10,000; projected debt obligations and designated project costs exceed fund balance by \$2,463,036 so no available surplus; no property was purchased during the reporting period; no new projects were started however, it was noted that the ratio of private to public investment in TIF I was 6 to 1; and, the schedule listing Intergovernmental Agreements was noted. Comments and questions from the JRB members regarding the 2004 Intergovernmental Agreement and projected surpluses and new growth in the CBD TIF were briefly discussed. It was noted that there is currently no plan to release any additional parcels in the CBD TIF I. A motion by William Gooch and seconded by Jim Collins to close the annual meeting of the TIF I JRB was unanimously approved by voice vote.

Highlights noted during the TIF II review included the following: make-up of the JRB; map of area and Ordinance establishing TIF II in 1993 – expiration in 2016; beginning fund balance of \$1,288,661, net income of \$703,500, ending fund balance of \$1,992,161 and total amount designated of \$(507,839); total expenditures of \$5,986; no payments to vendors exceeded \$10,000; the breakdown of the fund balance schedule (Section 3.3) includes the fund balance at the end of the reporting year of \$1,992,161, designated debt obligations of \$1,500,000 and designated project costs of \$1,000,000 for a projected deficit of \$(507,839); no property was acquired; no new projects were started and the extremely high ratio of private to public investment was noted; and Attachment M was added to the report. Based on a question from a JRB member, it was noted that the 2013 TIF IV IGA was part of the TIF II report due to one of the components of the IGA that required a surplus declaration of \$1,500,000 from TIF II. There were no other questions or comments. A motion by Mark Mulliner and seconded by Jim Collins to close the annual meeting of the TIF II JRB was unanimously approved by voice vote.

The review of TIF III included the following: make-up of the JRB; map of area and Ordinance establishing TIF III in 1996 – expiration in 2019; beginning fund balance of \$384,490, net income of \$386,518, ending fund balance of \$771,008 and total amount designated of \$(1,049,151); total expenditures of \$86,631 that include debt service payments of \$72,512; no vendor payments in excess of \$10,000; the breakdown of the fund balance schedule (Section 3.3) that includes a projected deficit is \$(1,049,151); no property was acquired; no new projects were started and the ratio of private to public investment was 18 to 1. Based on comments from the JRB members, additional discussion pursued regarding the status of pedestrian traffic safety related issues in the area. The area south of the Dominick's building was specifically discussed and it was suggested that a possible crossing like the one at the Prairie Path and York be considered. The effects on the TIF District due to the closing of the Dominick's anchor store were also discussed. It was noted that there should be very little effect due to the closing and

Page 3

December 9, 2013

Annual Joint Review Board Meeting

that this location is on the Whole Foods list of potential acquisition sites. It was also noted that the addition of the Chick-fil-A will add EAV to the district. A motion by Patrick Wagner and seconded by Jim Collins to close the annual meeting of the TIF III JRB was unanimously approved by voice vote.

The review of TIF IV included the following: make-up of the JRB and note that public member Kurt Warnke contacted staff that he could not attend the meeting; map of area and Ordinance establishing TIF IV in 2012 – expiration in 2035; beginning fund balance of \$0, no property tax increment revenue, total expenditures of \$62,946, ending fund balance of \$(54,326) and total amount designated of \$(1,304,326); total expenditures of \$62,946 for professional and consultant fees, mostly for attorney fees; one vendor payment in excess of \$10,000 (attorney fees); the breakdown of the fund balance schedule (Section 3.3) includes the fund balance at the end of the reporting year of \$(54,326), designated project costs of \$1,250,000 for the Mariano's redevelopment agreement project costs and a projected deficit of \$(1,304,326); no property was acquired; one new project was started (Mariano's) and it is estimated to be completed next fiscal year; and, Attachment M listing the TIF IV Intergovernmental Agreement was noted. There were no questions or comments. A motion by Jim Rogers and seconded by Jim Collins to close the annual meeting of the TIF IV JRB was unanimously approved by voice vote.

Meeting adjourned: 6:30 P.M.

* All four JRB meetings were held simultaneously

Submitted by: Thomas W. Trosien, Assistant Director of Finance

**Tax Increment Financing(TIF):
Joint Review Board
Annual Meetings**

**Fiscal Year Ending
April 30, 2013**



December 9, 2013

Agenda

- 1) Introduction, Joint Review Boards
- TIF I, II, III and IV
- 2) TIF I Review (FY 04/30/13)
- 3) TIF II Review (FY 04/30/13)
- 4) TIF III Review (FY 04/30/13)
- 5) TIF IV Review (FY 04/30/13)

Joint Review Boards

**By law, must meet annually
to review the effectiveness
and status of the TIF District**



TIF I: FY 2012-13

TIF I – Central Business District

Joint Review Board:
 City of Elmhurst - Mayor Morley
 Community Unit School District 205
 Elmhurst Park District
 Community College District 502
 The County of DuPage
 York Township
 Mr. William Gooch

TIF I: FY 2012-13

**TIF 1
With Released Properties**

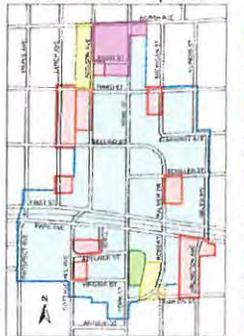
CBD TIF 1
 Original Project Area Established by
 Ord. O-17-86
 (Expiration 12/31/21)

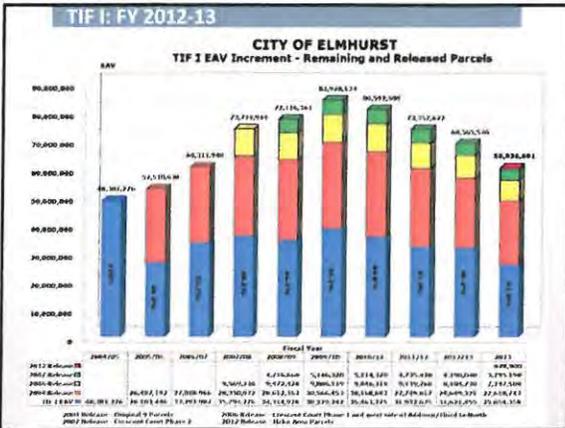
Amended Project Area
 (released nine parcels in 2004)
 Approved by Ord. O-29-2004

Amended Project Area
 (released two parcels in 2006)
 Approved by Ord. O-22-2006

Amended Project Area
 (released one parcel in 2007)
 Approved by Ord. O-23-2006

Amended Project Area
 (released twelve parcels in 2012)
 Approved by Ord. O-49-2012





TIF I: FY 2012-13

TIF I Property Tax Increment Released and Remaining Parcels

	2012 TAX LEVY	EAV Increment	Rate *	Property Tax Increment
2004 Release (P Parcel)		22,610,743	6.8593	1,550,939
2006 Release		7,247,800	6.8593	497,128
2007 Release		3,795,190	6.8593	260,323
2012 Release		628,900	6.8593	43,138
Total Released		34,282,333	6.8593	2,351,528
Remaining EAV		25,654,358	6.8593	1,759,700

* Excludes SSA #6 and SSA #7 Rates

TIF I: FY 2012-13 Section 3.1

SECTION 3.1 - (85 ILCS 811-74-4.5 (d) (3) and 85 ILCS 811-74-4.22 (d) (3))
Provide an analysis of the special tax allocation fund.

TIF NAME: Central Business District (Elmhurst TIF 1) FY 2013

Reporting Year	Cumulative	% of Total
Revenue/Cash Receipts Deposited in Fund During Reporting FY:		
Property Tax Increment	\$ 2,811,009	12.75%
State Sales Tax Increment	\$ 2,591,808	11.68%
Use of Public Funds Increment	\$ 617,174	2.73%
State Utility Tax Increment	\$ -	0%
Local Utility Tax Increment	\$ -	0%
Interest	\$ 8,790	0%
Land/Building Sale Proceeds	\$ 8,177,799	36.2%
Grant Proceeds	\$ 9,085,183	40.1%
Transfer From Other Special Accounts	\$ 1,048,719	4.6%
Private Sources	\$ 105,645	0.5%
Other (Detailed See Item 10)	\$ 115,884	0.5%
Total Amount Deposited in Fund During Reporting Period	\$ 3,137,600	
Cumulative Total Revenue/Cash Receipts	\$ 7,408,184	32%
Total Expenditures/Disbursements (Excludes Amounts from Section 3.2)	\$ 2,866,351	
Distribution of Surplus	\$ -	
Total Expenditures/Disbursements	\$ 1,868,351	
NET INCOME/CASH RECEIPTS OVER(UNDER) CASH DISBURSEMENTS	\$ 1,269,249	
FUND BALANCE, END OF REPORTING PERIOD:	\$ 2,212,679	
Total Amount Designated for Obligations	\$ (1,410,111)	

TIF I: FY 2012-13 Section 3.2 A

SECTION 3.2 A - (85 ILCS 811-74-4.4 (d) (3) and 85 ILCS 811-74-6.22 (d) (3))

TIF NAME: Central Business District (Elmhurst TIF 1) FY 2013

ITEMIZED LIST OF ALL EXPENDITURES FROM THE SPECIAL TAX ALLOCATION FUND
(By category of expenditure - include the amount of each amount - except where indicated in dollars and cents)

Category of Expenditure	Amount	Reporting Fiscal Year
1. Costs of studies, administration and professional services - Subsections (a)(1) and (1)		
Costs of studies - engineering and architectural	\$ 10,700	
Other Expenses	\$ 4,000	
4. Costs of rehabilitation, reconstruction, repair or remodeling of existing public or private buildings - Subsections (a)(7) and (a)(8)		
Rehabilitation - repair work	\$ 1,760	
5. Costs of acquisition of public works and improvements - Subsections (a)(9) and (a)(10)		
Other Expenses - Engineering	\$ 10,700	
6. Financing costs - Subsections (a)(11) and (a)(12)		
Interest - 2012	\$ 1,100	
Interest - 2011	\$ 2,400	
Interest - 2010	\$ 1,100	
TOTAL (01/01/12 TO 12/31/12)	\$ 2,212,679	

* Reflects pay-through payments of property taxes for SSA 6 and SSA 7

TIF I: FY 2012-13 Section 3.2 B

SECTION 3.2 B - (85 ILCS 811-74-4.4 (d) (3) and 85 ILCS 811-74-6.22 (d) (3))
Breakdown of the Balance in the Special Tax Allocation Fund At the End of the Reporting Period

TIF NAME: Central Business District (Elmhurst TIF 1) FY 2013

FUND BALANCE, END OF REPORTING PERIOD: \$ 2,212,679

List all vendors, including other municipal funds, that were paid in excess of \$10,000 during the current reporting year.

There were no vendors, including other municipal funds, paid in excess of \$10,000 during the current reporting period.

Name	Service	Amount
Stornio, Romella & Durkin	Professional/Legal	\$ 37,049.09
Van Slyke Enterprises	Professional/Consulting	\$ 31,100.00
Findall Community Marketing	Professional	\$ 11,876.25
Elmhurst City Centre, Inc. *	Professional	\$ 518,684.49
Tracy Cross & Associates	Professional/Consulting	\$ 11,500.00
Transystems Corp.	Professional/Engineering	\$ 89,750.21
Korus LLC	Retail Improvements	\$ 10,000.00
IL Department of Transportation	Streetscape/Parking Imp.	\$ 580,476.27
C.A Construction	Parking Lot Improvements	\$ 15,053.81

* Reflects pay-through payments of property taxes for SSA 6 and SSA 7

TIF I: FY 2012-13 Section 3.3

SECTION 3.3 - (85 ILCS 811-74-4.4 (d) (3) and 85 ILCS 811-74-6.22 (d) (3))
Breakdown of the Balance in the Special Tax Allocation Fund At the End of the Reporting Period

TIF NAME: Central Business District (Elmhurst TIF 1) FY 2013

FUND BALANCE, END OF REPORTING PERIOD: \$ 2,212,679

Description of Debt Obligations	Amount of Original Issuance	Amount Designated
1.1 Bond Series 2008 - 1.750% (the funding)	\$ 9,000,000	\$ -
1.2 Bond Series 2008 - 1.750% (the funding)	\$ 5,000,000	\$ -
1.3 Bond Series 2008 - 1.750% (the funding)	\$ 1,000,000	\$ -
1.4 Bond Series 2008 - 1.750% (the funding)	\$ 1,000,000	\$ -
1.5 Bond Series 2011 - 1.000% (the funding)	\$ 2,100,000	\$ -
1.6 Bond Series 2011 - 1.000% (the funding)	\$ 2,000,000	\$ -
1.7 Bond Series 2011 - 1.000% (the funding)	\$ 2,000,000	\$ -
Total Amount Designated for Obligations	\$ 13,100,000	\$ 0.00
2. Description of Project Costs to be Paid		
2.1 Project Cost - 2011 - 1.000% (the funding)	\$ 1,000,000	\$ 1,000,000
2.2 Project Cost - 2011 - 1.000% (the funding)	\$ 1,000,000	\$ 1,000,000
Total Amount Designated for Project Costs	\$ 2,000,000	\$ 2,000,000
TOTAL AMOUNT DESIGNATED	\$ 15,100,000	\$ 2,000,000
SURPLUS/DEFICIT	\$ 6,912,679	\$ -

* Note: If a surplus is calculated, the municipality may be eligible to receive the amount over budget being received. For information and details.

TIF II: FY 2012-13 Section 3.1

SECTION 3.1 - (65 ILCS 5/11-74-4.4 (d) (9) and 65 ILCS 5/11-74-6-22 (d) (6))
Provide a breakdown of the special tax allocation fund.

TIF NAME: Lake Street Redevelopment (Elmhurst TIF 2) FY 2013

Reporting Year	Commitment	% of Total
2012	\$ 1,289,261	
2013	\$ 209,486	
Total	\$ 1,498,747	100%

Breakdown of Balance in Special Tax Allocation Fund At the End of the Reporting Period

Category	Amount	Reporting Fiscal Year
Construction	\$ 3,986	
Professional Fees	\$ 5,936	
Other	\$ 709,100	
Total	\$ 719,022	

TIF II: FY 2012-13 Section 3.2 A and B

SECTION 3.2 A - (65 ILCS 5/11-74-4.4 (d) (9) and 65 ILCS 5/11-74-6-22 (d) (6))

TIF NAME: Lake Street Redevelopment (Elmhurst TIF 2) FY 2013

ITEMIZED LIST OF ALL EXPENDITURES FROM THE SPECIAL TAX ALLOCATION FUND
(By category of permitted redevelopment cost, amounts expended during reporting period)

Category of Permissible Redevelopment Cost (65 ILCS 5/11-74-4.4 (d) and 65 ILCS 5/11-74-6-22 (d))	Amount	Reporting Fiscal Year
Construction	\$ 3,986	
Professional Fees	\$ 5,936	
Other	\$ 709,100	
TOTAL	\$ 719,022	

Section 3.2 B

TIF NAME: Lake Street Redevelopment (Elmhurst TIF 2) FY 2013

List all vendors, including other municipal funds, that were paid in excess of \$10,000 during the current reporting year.

These were no vendors, including other municipal funds, paid in excess of \$10,000 during the current reporting period.

TIF II: FY 2012-13 Section 3.3

SECTION 3.3 - (65 ILCS 5/11-74-4.4 (d) (9) and 65 ILCS 5/11-74-6-22 (d) (6))

Breakdown of the Balance in the Special Tax Allocation Fund At the End of the Reporting Period

TIF NAME: Lake Street Redevelopment (Elmhurst TIF 2) FY 2013

FUND BALANCE, END OF REPORTING PERIOD: \$ 1,992,161

1. Description of Debt Obligations	Amount of Original Issuance	Amount Designated
Leasable G.C.D. Note Payable dated 8/1/09 (1 line of 1 credit)	\$ 1,202,226	\$ -
Special Assessment #066 dated 11/22/06	\$ 518,197	\$ -
Working Cash Fund Loan	\$ 172,000	\$ -
Intercommunal Agreement dated 11/13/04	\$ 1,500,000	\$ 1,500,000
Total Amount Designated for Obligations	\$ 2,392,423	\$ 1,500,000

2. Description of Project Costs to be Paid	Amount Designated
Land Acquisitions / Land Improvements (All Unbudgeted)	\$ 1,000,000
Total Amount Designated for Project Costs	\$ 1,000,000

TOTAL AMOUNT DESIGNATED: \$ 2,500,000

SURPLUS/(DEFICIT): \$ (507,839)

TIF II: FY 2012-13 Section 4

SECTION 4 (65 ILCS 5/11-74-4.4 (d) (9) and 65 ILCS 5/11-74-6-22 (d) (6))

FY 2013 TIF NAME: Lake Street Redevelopment (Elmhurst TIF 2)

Provide a description of all property purchased by the municipality during the reporting fiscal year within the redevelopment project area.

No property was acquired by the Municipality Within the Redevelopment Project Area

TIF II: FY 2012-13 Section 5

SECTION 5 - 65 ILCS 5/11-74-4.4 (d) (7) (D) and 65 ILCS 5/11-74-6-22 (d) (7) (D)

TIF NAME: Lake Street Redevelopment (Elmhurst TIF 2) FY 2013

Attachment M

INTERGOVERNMENTAL AGREEMENTS
FY 2013

A list of all intergovernmental agreements in effect in FY 2013, to which the municipality is a part, and an accounting of any money transferred or received by the municipality during that fiscal year pursuant to those intergovernmental agreements. (65 ILCS 5/11-74-4.4 (d) (10))

Name of Agreement	Description of Agreement	Amount Transferred Out	Amount Received
Intergovernmental Agreement between the City of Elmhurst and Elmhurst School District #209, dated April 2, 2013	Declare surplus of 80% of income starting in year 11, maximum \$6 million to fund capital improvement expenses.	\$ -	\$ -
Resolution # R-17-2013	Funding from the membership fund and other funds from Lake Street Redevelopment; release of Lake properties from 031111 and included in North York Street III; and complete abolition of SLS from Lake Street III.	\$ -	\$ -

TIF II: FY 2012-13 Section 5

SECTION 5 - 65 ILCS 5/11-74-4.4 (d) (7) (D) and 65 ILCS 5/11-74-6-22 (d) (7) (D)

TIF NAME: Lake Street Redevelopment (Elmhurst TIF 2) FY 2013

Attachment M

INTERGOVERNMENTAL AGREEMENTS
FY 2013

A list of all intergovernmental agreements in effect in FY 2013, to which the municipality is a part, and an accounting of any money transferred or received by the municipality during that fiscal year pursuant to those intergovernmental agreements. (65 ILCS 5/11-74-4.4 (d) (10))

Name of Agreement	Description of Agreement	Amount Transferred Out	Amount Received
Intergovernmental Agreement between the City of Elmhurst and Elmhurst School District #209, dated April 2, 2013	Declare surplus of 80% of income starting in year 11, maximum \$6 million to fund capital improvement expenses.	\$ -	\$ -
Resolution # R-17-2013	Funding from the membership fund and other funds from Lake Street Redevelopment; release of Lake properties from 031111 and included in North York Street III; and complete abolition of SLS from Lake Street III.	\$ -	\$ -

TIF III: FY 2012-13 Section 3.3

SECTION 3.3 - (65 ILCS 5/11-74-4-5 (d)(1) & 65 ILCS 5/11-74-0-22 (d)(6))
 Breakdown of the Balance in the Special Tax Allocation Fund At the End of the Reporting Period

TIF NAME: Rt. 83/SI. Charles Road (Elmhurst TIF 3) FY 2013

FUND BALANCE, END OF REPORTING PERIOD \$ 771,000

	Assess of Original Issuance	Amount Designated
1. Description of Debt Obligations		
6.0, Bond Series, 2004 (Matur. 12/22/2034)	\$ 9,000,000	\$
(Partial refund of 1997, 1998 and 2002 G.O. bond issues)		
6.13, Bond Series, 2005 (Matur. 12/31/2035)	\$ 9,000,000	\$ 720,150
(Refund of 1998 and 2002 G.O. bond issues)		
Total Amount Designated for Obligations	\$ 18,000,000	\$ 720,150
2. Description of Project Costs to be Paid		
(Total Capital Expenditures)	\$	\$ 1,500,000
Total Amount Designated for Project Costs	\$	\$ 1,500,000
TOTAL AMOUNT DESIGNATED	\$	\$ 1,820,150
SURPLUS/(DEFICIT)	\$	\$ (1,049,150)

TIF III: FY 2012-13 Section 4

SECTION 4 [65 ILCS 5/11-74-4-5 (d) (6) and 65 ILCS 5/11-74-0-22 (d) (6)]

FY 2013 TIF NAME: Rt. 83/SI. Charles Road (Elmhurst TIF 3)

Provide a description of all property purchased by the municipality during the reporting fiscal year within the redevelopment project area.

No property was acquired by the Municipality Within the Redevelopment Project Area

TIF III: FY 2012-13 Section 5

SECTION 5 - 65 ILCS 5/11-74-4-5 (f) (7) (C) and 65 ILCS 5/11-74-0-22 (d) (7) (C)

TIF NAME: Rt. 83/SI. Charles Road (Elmhurst TIF 3) FY 2013

Enter the number of properties purchased by the Municipality Within the Redevelopment Project Area:

ENTER Total number of properties purchased by the Municipality Within the Redevelopment Project Area: 0

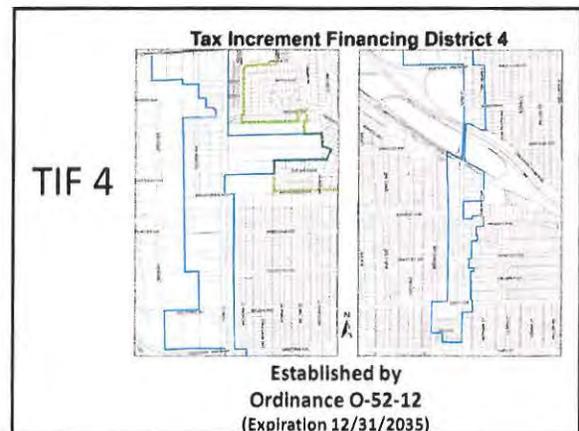
TOTAL:	11/1/90 to Date	Estimated Investment for Subsequent Fiscal Year	Total Estimated to Complete Project
Private Source (net of Indentures) (See Section 3.3)	\$ 10,000,000	\$ 0	\$ 10,000,000
Public Source (net of Indentures)	\$ 5,000,000	\$ 0	\$ 5,000,000
Balance of Public Funds Available	\$ 0	\$ 0	\$ 0

TIF III: Questions.

TIF IV – North York Street

Joint Review Board:

- City of Elmhurst - Mayor Morley
- Community Unit School District 205
- Elmhurst Park District
- Community College District 502
- The County of DuPage
- York Township
- Addison Township
- Mr. Kurt Warnke



TIF IV: FY 2012-13

Attachment M Name: City of Elmhurst
 District: North York Street

**INTERGOVERNMENTAL AGREEMENTS
 FY 2013**

A list of all intergovernmental agreements in effect in FY 2013, in which the municipality is a part, and an accounting of any money transferred or received by the municipality during that fiscal year pursuant to those intergovernmental agreements. [65 ILCS 815-74-6-6 (d) (1)(2)]

Name of Agreement	Description of Agreement	Amount Transferred Out	Amount Received
Intergovernmental Agreement between the City of Elmhurst and Hubbard School District #209, dated April 2, 2011	Rebate transfer of 10% of incremental starting in year 11, maximum \$6 million	5	5
Resolution # R 17, 2011	Reimbursement to District #209 for III (including capital improvement expenses, including from unencumbered funds, and (development funds from Lake County Agreement))		
	Reimbursement of 10% of incremental from 100111 and included in North York Street III, and surplus distribution of 51% from Lake Street III.		

TIF IV: FY 2012-13

TIF IV:

Questions.

CITY OF ELMHURST, ILLINOIS
 COMBINING BALANCE SHEET
 NONMAJOR GOVERNMENTAL FUNDS

April 30, 2013
 (with comparative totals for 2012)

	Special Revenue		Capital Projects		Permanent		Total Nonmajor Governmental Funds		
	Motor Fuel Tax	Stormwater Detention Project	North York Redevelopment Project	Corporate Purpose Project 2009	Corporate Purpose Project 2012	Working Cash	Glos Mausoleum	2013	2012
ASSETS									
Cash	\$ 108,402	\$ 476,603	\$ -	\$ -	\$ -	\$ 195,620	\$ -	\$ 780,625	\$ 907,877
Investments									
Negotiable certificates of deposit	300,330	-	-	-	-	412,354	34,458	747,142	414,697
Receivables									
Property tax	-	-	47,013	-	-	-	-	47,013	-
Motor fuel tax allotments	75,876	-	-	-	-	-	-	75,876	85,656
Due from other governments	-	1,170,400	-	-	-	-	-	1,170,400	1,170,400
Due from other funds	-	1,119	-	-	-	-	-	1,119	-
Miscellaneous	-	-	50,000	-	-	-	-	50,000	-
Accrued interest	120	-	-	-	-	982	2	1,104	437
TOTAL ASSETS	\$ 484,728	\$ 1,648,122	\$ 97,013	\$ -	\$ -	\$ 608,956	\$ 34,460	\$ 2,873,279	\$ 2,579,067

ATTACHMENT
AMENDED
 (TIF IV)

	Special Revenue		Capital Projects		Permanent		Total Nonmajor Governmental Funds		
	Motor Fuel Tax	Stormwater Detention Project	North York Redevelopment Project	Corporate Purpose Project 2009	Corporate Purpose Project 2012	Working Cash	Glos Mausoleum	2013	2012
LIABILITIES, DEFERRED INFLOWS OF RESOURCES AND FUND BALANCES									
LIABILITIES									
Accounts payable	\$ 13,289	\$ 17,610	\$ 12,569	\$ -	\$ -	\$ -	\$ -	\$ 43,468	\$ 1,673
Accrued payroll	61,002	-	-	-	-	-	-	61,002	62,836
Due to other funds	-	-	91,757	-	-	-	-	91,757	-
Unearned revenue	-	1,170,400	-	-	-	-	-	1,170,400	1,170,400
Total liabilities	74,291	1,188,010	104,326	-	-	-	-	1,366,627	1,234,909
DEFERRED INFLOWS OF RESOURCES									
Unavailable revenue - property taxes	-	-	47,013	-	-	-	-	47,013	-
Total deferred inflows of resources	-	-	47,013	-	-	-	-	47,013	-
Total liabilities and deferred inflows of resources	74,291	1,188,010	151,339	-	-	-	-	1,413,640	1,234,909
FUND BALANCES									
Restricted for working cash	-	-	-	-	-	608,956	-	608,956	415,183
Restricted for streets	410,437	-	-	-	-	-	-	410,437	419,155
Restricted for culture	-	-	-	-	-	-	34,460	34,460	34,329
Restricted for redevelopment	-	460,112	-	-	-	-	-	460,112	475,452
Restricted for capital projects	-	-	-	-	-	-	-	-	39
Unrestricted (deficit)	-	-	(54,326)	-	-	-	-	(54,326)	-
Total fund balances (deficit)	410,437	460,112	(54,326)	-	-	608,956	34,460	1,459,639	1,344,158
TOTAL LIABILITIES, DEFERRED INFLOWS OF RESOURCES AND FUND BALANCES									
	\$ 484,728	\$ 1,648,122	\$ 97,013	\$ -	\$ -	\$ 608,956	\$ 34,460	\$ 2,873,279	\$ 2,579,067

See accompanying notes to financial statements.

CITY OF ELMHURST, ILLINOIS

COMBINING STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGES IN FUND BALANCES
NONMAJOR GOVERNMENTAL FUNDS

For the Year Ended April 30, 2013
(with comparative totals for 2012)

	Special Revenue		Capital Projects		Permanent		Total Nonmajor Governmental Funds		
	Motor Fuel Tax	Stormwater Detention Project	North York Redevelopment Project	Corporate Purpose Project 2009	Corporate Purpose Project 2012	Working Cash	Glos Mausoleum	2013	2012
REVENUES									
Intergovernmental Allotments	\$ 1,238,663	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,238,663	\$ 1,274,058
Investment income	1,486	1,583	8,620	-	-	1,787	131	13,607	10,373
Miscellaneous Other	-	3,674	-	-	-	-	-	3,674	9,572
Total revenues	1,240,149	5,257	8,620	-	-	1,787	131	1,255,944	1,294,003
EXPENDITURES									
Current Streets	1,248,867	-	-	-	-	-	-	1,248,867	1,160,685
Contractual Services	-	-	62,946	-	160,522	-	-	223,468	-
Capital outlay	-	98,707	-	-	-	-	-	98,707	335,405
Total expenditures	1,248,867	98,707	62,946	-	160,522	-	-	1,571,042	1,496,090
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	(8,718)	(93,450)	(54,326)	-	(160,522)	1,787	131	(315,098)	(202,087)

ATTACHMENT
(TIF IV)

	Revenue		Capital Projects		Permanent		Total Nonmajor Governmental Funds		
	Motor Fuel Tax	Stormwater Detention Project	North York Redevelopment Project	Corporate Purpose Project 2009	Corporate Purpose Project 2012	Working Cash	Glos Mausoleum	2013	2012
OTHER FINANCING SOURCES (USES)									
Issuance of bonds	\$ -	\$ -	\$ -	\$ -	\$ 7,040,000	\$ -	\$ -	\$ 7,040,000	\$ -
Premium (discount) on bonds issued	-	-	-	-	90,421	-	-	90,421	-
Transfers in	-	78,110	-	-	-	191,986	-	270,096	587,172
Transfers (out)	-	-	-	(39)	(6,969,899)	-	-	(6,969,938)	(3,789,991)
Total other financing sources (uses)	-	78,110	-	(39)	160,522	191,986	-	430,579	(3,202,819)
NET CHANGE IN FUND BALANCES	(8,718)	(15,340)	(54,326)	(39)	-	193,773	131	115,481	(3,404,906)
FUND BALANCES, MAY 1	419,155	475,452	-	39	-	415,183	34,329	1,344,158	4,749,064
FUND BALANCES (DEFICIT), APRIL 30	\$ 410,437	\$ 460,112	\$ (54,326)	\$ -	\$ -	\$ 608,956	\$ 34,460	\$ 1,459,639	\$ 1,344,158

See accompanying notes to financial statements.

CITY OF ELMHURST, ILLINOIS
 COMBINING BALANCE SHEET
 NONMAJOR GOVERNMENTAL FUNDS

December 31, 2013

	Special Revenue		Capital Projects		Permanent		Total Nonmajor Governmental Funds	
	Motor Fuel Tax	Stormwater Detention Project	North York Redevelopment Project	Corporate Purpose Project 2013	Corporate Purpose Project 2014A	Working Cash		Glos Mausoleum
ASSETS								
Cash	\$ 242,952	\$ 485,364	\$ -	\$ -	\$ 179,026	\$ 194,749	\$ -	\$ 1,102,091
Investments								
Negotiable certificates of deposit	300,000	-	-	-	-	605,704	34,458	940,162
Receivables								
Property tax	-	-	49,900	-	-	-	-	49,900
Motor fuel tax allotments	110,406	-	-	-	-	-	-	110,406
Due from other governments	-	1,170,400	-	-	-	-	-	1,170,400
Miscellaneous	-	-	1,550	-	-	-	-	1,550
Accrued interest	39	-	-	-	-	835	60	934
TOTAL ASSETS	\$ 653,397	\$ 1,655,764	\$ 51,450	\$ -	\$ 179,026	\$ 801,288	\$ 34,518	\$ 3,375,443

ATTACHMENT K
(TIF IV)

AMENDED

	Special Revenue		Capital Projects			Permanent		Total Nonmajor Governmental Funds
	Motor Fuel Tax	Stormwater Detention Project	North York Redevelopment Project	Corporate Purpose Project 2013	Corporate Purpose Project 2014A	Working Cash	Glos Mausoleum	
LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND FUND BALANCES								
LIABILITIES								
Accounts payable	\$ 57,136	\$ 9,571	\$ 31,617	\$ -	\$ -	\$ -	\$ -	\$ 98,324
Accrued payroll	27,812	-	-	-	-	-	-	27,812
Due to other funds	-	-	47,610	-	-	-	-	47,610
Unearned revenue	-	1,170,400	-	-	179,000	-	-	1,349,400
Total liabilities	84,948	1,179,971	79,227	-	179,000	-	-	1,523,146
DEFERRED INFLOWS OF RESOURCES								
Unavailable revenue - property taxes	-	-	49,900	-	-	-	-	49,900
Total deferred inflows of resources	-	-	49,900	-	-	-	-	49,900
Total liabilities and deferred inflows of resources	84,948	1,179,971	129,127	-	179,000	-	-	1,573,046
FUND BALANCES								
Restricted for working cash	-	-	-	-	-	801,288	-	801,288
Restricted for streets	568,449	-	-	-	-	-	-	568,449
Restricted for culture	-	-	-	-	-	-	34,518	34,518
Restricted for capital projects	-	475,793	-	-	-	-	-	475,793
Unrestricted (deficit)	-	-	(77,677)	-	26	-	-	(77,651)
Total fund balances (deficit)	568,449	475,793	(77,677)	-	26	801,288	34,518	1,802,397
TOTAL LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND FUND BALANCES	\$ 653,397	\$ 1,655,764	\$ 51,450	\$ -	\$ 179,026	\$ 801,288	\$ 34,518	\$ 3,375,443

ATTACHMENT K
(TIF IV)

AMENDED

(See independent auditor's report.)

CITY OF ELMHURST, ILLINOIS

SCHEDULE OF REVENUES, EXPENDITURES, AND
CHANGES IN FUND BALANCE - BUDGET AND ACTUAL
NORTH YORK REDEVELOPMENT FUND

For the Eight-Month Period Ended December 31, 2013

	Original and Final Budget	Actual	Variance with Final Budget Over (Under)
REVENUES			
Taxes			
Property tax	\$ -	\$ 47,202	\$ 47,202
Miscellaneous - rental income	25,000	31,000	6,000
Total revenues	<u>25,000</u>	<u>78,202</u>	<u>53,202</u>
EXPENDITURES			
Current			
Contractual services			
Professional services	125,000	84,884	(40,116)
Debt service			
Interest	10,000	6,453	(3,547)
Capital outlay			
Land improvements	-	1,771,515	1,771,515
Other public improvements	1,250,000	625,000	(625,000)
Total expenditures	<u>1,385,000</u>	<u>2,487,852</u>	<u>1,102,852</u>
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	<u>(1,360,000)</u>	<u>(2,409,650)</u>	<u>(1,049,650)</u>
OTHER FINANCING SOURCES (USES)			
Note proceeds	1,250,000	2,386,299	1,136,299
Total other financing source (uses)	<u>1,250,000</u>	<u>2,386,299</u>	<u>1,136,299</u>
NET CHANGE IN FUND BALANCE	<u>\$ (110,000)</u>	<u>(23,351)</u>	<u>\$ 86,649</u>
FUND BALANCE (DEFICIT), MAY 1		<u>(54,326)</u>	
FUND BALANCE (DEFICIT), DECEMBER 31		<u>\$ (77,677)</u>	

(See independent auditor's report.)



1415 W. Diehl Road, Suite 400
Naperville, Illinois 60563

630.566.8400 // www.sikich.com

Certified Public Accountants & Advisors
Members of American Institute of Certified Public Accountants

**INDEPENDENT ACCOUNTANT'S REPORT ON COMPLIANCE WITH
STATE OF ILLINOIS PUBLIC ACT 85-1142**

The Honorable Mayor
Members of the Village Board
City of Elmhurst, Illinois

We have examined management's assertion that the City of Elmhurst, Illinois (the City) complied with the provisions of subsection (q) of Section 11-74.4-3 of the Illinois Tax Increment Redevelopment Allocation Act (Illinois Public Act 85-1142) during the eight-month period ended December 31, 2013. As discussed in that representation letter, management is responsible for the City's compliance with those requirements. Our responsibility is to express an opinion on management's assertion about the City's compliance based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and, accordingly, included examining, on a test basis, evidence about the City's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion. Our examination does not provide a legal determination on the City's compliance with statutory requirements.

In our opinion, management's assertion that the City of Elmhurst, Illinois, complied with the aforementioned requirements for the eight months ended December 31, 2013, is fairly stated in all material respects.

This report is intended solely for the information and use of the City Council, management, the joint review board, the Illinois State Comptroller, and the Illinois Department of Revenue and is not intended to be and should not be used by anyone other than these specified parties.

Naperville, Illinois
May 22, 2014

A handwritten signature in black ink, appearing to read 'Sikich LLP'.

ATTACHMENT L
(TIF IV)

FILED

SEP 18 2012

Angela Kelly
DuPage County Clerk

O-50-2012

**AN ORDINANCE OF THE CITY OF ELMHURST,
DUPAGE AND COOK COUNTIES, ILLINOIS, APPROVING A TAX INCREMENT REDEVELOPMENT
PLAN AND REDEVELOPMENT PROJECT FOR THE
NORTH YORK STREET
REDEVELOPMENT PROJECT AREA**

WHEREAS, it is desirable and in the best interest of the citizens of the City of Elmhurst, DuPage and Cook Counties, Illinois (the "City"), for the City to implement tax increment allocation financing pursuant to the Tax Increment Allocation Redevelopment Act, Division 74.4 of Article 11 of the Illinois Municipal Code, as amended (the "Act"), for a proposed redevelopment plan and redevelopment project (the "Plan and Project") within the municipal boundaries of the City and within a proposed redevelopment project area (the "Area") described in Section 1(a) of this Ordinance, which Area constitutes in the aggregate more than one and one-half acres; and

WHEREAS, pursuant to Section 11-74.4-5 of the Act, the Mayor and City Council of the City of Elmhurst (the "Corporate Authorities") called and conducted a public hearing relative to the Plan and Project and the designation of the Area as a redevelopment project area under the Act on August 6, 2012; and

WHEREAS, due notice with respect to such hearing was given pursuant to Section 11-74.4-5 of the Act, said notice being given to taxing districts and to the Illinois Department of Commerce and Economic Opportunity (f.k.a. Department of Commerce and Community Affairs of the State of Illinois) by certified mail on June 14, 2012, by publication on July 12, 2012 and July 19, 2012 and by certified mail to taxpayers within the Area on July 23, 2012; and

WHEREAS, on June 12, 2012, notice was provided by mail to all residential addresses that, after a good faith effort, the City determined were located within 750 feet of the Area; and

WHEREAS, the City did heretofore convene a Joint Review Board as required by and in all respects in compliance with the provisions of the Act; and

WHEREAS, the Joint Review Board met on July 2, 2012 to review the public record, planning documents and proposed ordinances approving the Plan and Project and consider whether the Plan and Project and Area satisfy the requirements of the Act; and

WHEREAS, on July 2, 2012, the Joint Review Board considered and approved a resolution recommending approval of the Plan and Project and the designation of the Area by the City; and

WHEREAS, the Plan and Project set forth the factors that caused the proposed Area to qualify as a "conservation area" and the Corporate Authorities have reviewed the information concerning such factors presented at the public hearing and have reviewed other studies and are generally informed of the conditions in the proposed Area that have caused the proposed Area to qualify as a "conservation area" as defined in the Act; and

WHEREAS, the Corporate Authorities have reviewed the conditions pertaining to lack of private investment in the proposed Area to determine whether private development would take place in the proposed Area as a whole without the adoption of the proposed Plan and Project; and

WHEREAS, the Corporate Authorities have reviewed the conditions pertaining to real property in the proposed Area to determine whether contiguous parcels of real property and

improvements thereon in the proposed Area would be substantially benefited by the redevelopment of the Area pursuant to the Plan and Project; and

WHEREAS, the Corporate Authorities have reviewed the proposed Plan and Project and also the existing comprehensive plan for development of the City as a whole to determine whether the proposed Plan and Project conforms to the comprehensive plan of the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Elmhurst, DuPage and Cook Counties, Illinois, as follows:

Section 1. Findings. That the Corporate Authorities hereby make the following findings:

a. The Area is legally described in Exhibit A attached hereto and incorporated herein as if set out in full by this reference. The general street location for the Area is described in Exhibit B attached hereto and incorporated herein as if set out in full by this reference. The map of the Area is depicted on Exhibit C attached hereto and incorporated herein as if set out in full by this reference.

b. Conditions exist which cause the Area to be subject to designation as a redevelopment project area under the Act and to be classified as a "conservation area" and as defined in the Act.

c. The proposed Area on the whole has not been subject to growth and development through investment by private enterprise and would not be reasonably anticipated to be developed without the adoption of the Plan and Project.

d. The Plan and Project conform to the comprehensive plan for the development of the City as a whole.

e. As set forth in the Plan and Project it is anticipated that the redevelopment of the Area will be completed within twenty-three (23) years after the Area is designated and that all obligations incurred to finance redevelopment project costs, if any, as defined in the Plan and Project shall be retired not later than December 31 of the year in which payment to the municipal treasurer is made with respect to ad valorem taxes levied in the 23rd calendar year after the year in which this Ordinance approving the Plan and Project is adopted by the Corporate Authorities.

f. The parcels of real property in the proposed Area are contiguous, and only those contiguous parcels of real property and improvements thereon that will be substantially benefited by the proposed redevelopment of the Area pursuant to the Plan and Project are included in the proposed Area.

g. The implementation of the Plan and Project will not result in the displacement of residents from 10 or more inhabited residential dwelling units.

h. The Area does not contain 75 or more inhabited residential dwelling units.

Section 2. Plan and Project Approved. That the Plan and Project, which were the subject matter of the public hearing held August 6, 2012 are hereby adopted and approved. A copy of the Plan and Project is set forth in Exhibit D attached hereto and incorporated herein as if set out in full by this reference.

Section 3. Invalidity of Any Section. That if any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 4. Superseder and Effective Date. All ordinances, resolutions, motions, or orders in conflict herewith shall be, and the same hereby are, repealed to the extent of such conflict, and this Ordinance shall be in full force and effect immediately upon its passage and approval in the manner provided by law.

ADOPTED this 4th day of September, 2012, pursuant to a roll call vote as follows:

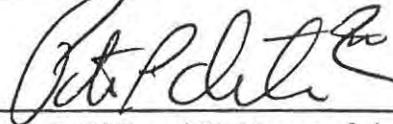
AYES: 11

NAYS: 1

ABSENT: 2

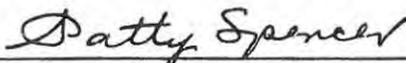
ABSTENTION: _____

APPROVED by me this 4th day of September, 2012.



Peter P. DiCianni III, Mayor of the City of Elmhurst, DuPage and Cook Counties, Illinois

ATTESTED and filed in my office, this 4th day of September, 2012.



Patty Spencer, Clerk of the City of Elmhurst, DuPage and Cook Counties, Illinois

FILED

SEP 18 2012



DuPage County Clerk

COUNCIL ACTION SUMMARY

SUBJECT: An Ordinance of the City of Elmhurst, DuPage and Cook Counties, Illinois,
Approving a Tax Increment Redevelopment Plan and Redevelopment Project for
the North York Street Redevelopment Project Area

ORIGINATOR: City Manager/City Attorney

DESCRIPTION OF SUBJECT MATTER:

The attached Ordinance approves the Redevelopment Plan and Project for the North York Street Tax Increment Financing District. This Ordinance is the first of three ordinances which must be adopted by the City Council in order to establish the North York Street Tax Increment Financing District.

EXHIBIT A

Legal Description

That part of Sections 25, 26, 35 and 36 of Township 40 North, Range 11, East of the Third Principal Meridian and Sections 1 and 2 of Township 39 North, Range 11, East of the Third Principal Meridian described as commencing at the intersection of the Northerly corporate boundary of Elmhurst, said Northerly boundary being the centerline of Grand Avenue, with the Westerly lot line, extended north, of Lot 75 in Elmhurst Industrial Park Unit No. 2, recorded as Document R65-24614 on July 9, 1965, for a place of beginning, thence Easterly along said centerline of Grand Avenue to the Easterly right-of-way line of York Street, thence Southerly along said Easterly right-of-way line to the North line of Lot 2 of York Gardens, recorded as Document 456519 on December 3, 1943, thence Easterly along said North lot line to the East line of said Lot 2, thence Southerly along said East line to the Northwest corner of Lot 11 in Block 3 of Country Club Highlands Subdivision Unit 3, recorded as Document 877616 on April 25, 1958, thence Southeasterly along the Northerly line of said Lot 11, extended, to the Easterly right-of-way line of Wilson Street, thence Southwesterly along said Easterly right-of-way line to its intersection with the North line, extended Easterly, of Lots 12 through 24, inclusive, in Block 3 of said Country Club Highlands Subdivision Unit 3, thence Westerly along said North line to the West Line of said Lot 24, thence Southerly along said West line, extended, to the South line of Lot 4 in said York Gardens, thence Westerly along said South line to the Easterly right-of-way line of York Street, thence Southerly along said Easterly right-of-way to the South lot line of York Meadows Condominiums, recorded as Document R80-05482 on January 22, 1980, thence Easterly along said South lot line to the East lot line, extended Northerly, of Lot 20 in Block 12 of H.O. Stone and Co.'s Elmhurst Addition, recorded as Document 161539 on December 20, 1922, thence Southerly along said East lot line, extended, to the South lot line of Lot 10 in Block 37 of said H.O. Stone and Co.'s Elmhurst Addition, said South lot line being the North right-of-way of Crestview Avenue, thence Easterly along said North right-of-way line to the East right-of-way line of Michigan Street, thence Southerly along said East right-of-way line to the South lot line of Lot 15 in Block 54 of said H.O. Stone and Co.'s Elmhurst Addition, thence generally Westerly along the Northerly right-of-way line of Interstate 290 to the East right-of-way line of York Street, thence Southerly along said East right-of-way line to the Northerly right-of-way line of Lake Street, thence Southeasterly along said Northerly right-of-way line to the East right-of-way line, extended Northerly, of Elmcrest Avenue, thence Southerly along said East right-of-way line to the North line, extended Easterly, of Lot 5 in Block 1 of Robertson's Addition to Elmhurst, recorded as Document 92032 on October 30, 1907, thence Westerly along said North lot line to the East right-of-way line of York Street, thence Southerly along said East right-of-way line 300 feet, thence Easterly 155 feet, thence Northerly 50 feet to the North line of Lot 7 in Block 1 of said Robertson's Addition to Elmhurst, thence Easterly along said lot line, extended, to the East right-of-way line of Elmcrest Avenue, thence Southerly along said East right-of-way line and right-of-way line extended, to the South right-of-way line of Fremont Avenue, thence Westerly along said South right-of-way line 120 feet to the west line of the east 25 feet of lot 2 in Owners division of Block 2 of Robertsons Addition to Elmhurst, recorded as Document 258941 on June 4, 1928, thence Southerly along said west line 150 feet to the south line of lot 2, , thence Easterly along said line 25 feet to the southeast corner of lot 2, thence Southerly 90 feet along the west line of the east 50 feet of lot 5 to a point on the North line of Robertson's Second Addition to Elmhurst, recorded as Document 95683 on January 20, 1909, said point being 250 feet East of the Northwest corner of said Robertson's Second Addition to Elmhurst, thence Westerly along said North line to the East line of Lot

49 in said Robertson's Second Addition to Elmhurst, thence Southerly along said East lot line, extended, to the North line of Paul J. Lowe Resubdivision, recorded as Document R96-024157 on February 14, 1996, thence Westerly 42 feet to the northwest corner of lot 1, thence Southerly along the west line 165 feet to the south west corner lot 1, thence Easterly along south line 92 feet in said Paul J. Lowe Resubdivision to the East line of Lot 26 in said Robertson's Second Addition to Elmhurst, thence Southerly along said lot line 50 feet to the North line of the Resubdivision of Robertson's Second Addition to Elmhurst, recorded as Document 111786 on April 23, 1913, thence Westerly along said North line to the West line of Lot 11 in said Resubdivision, thence Southerly along said West line to the North right-of-way line of Columbia Avenue, thence Southeasterly to the Northwest corner of Lot 7 in said Resubdivision, thence Southerly 296.75 feet along the West line of Lots 7 and 8 in said Resubdivision, thence Southeasterly 38.83 feet to a point on the Northerly right-of-way line of North Avenue, said point being 22 feet Easterly of the Southwest corner of said Lot 8, thence Southeasterly to the Northwest corner of Lot 30 in Block 1 of Fairview Addition to Elmhurst, recorded as Document 110851 on February 7, 1913, thence Southerly along the West line of Lots 30 and 29 in said Block 1 to the South line, extended Easterly, of Lot 2 in said Block 1 of Fairview Addition, thence Westerly along said South line, and South line extended, to the East right-of-way line of York Street, thence Southerly along said East right-of-way line to the North line, extended Easterly, of Lot 25 in Hahn's Subdivision, recorded as Document 47483 on December 8, 1891, thence Westerly along said North lot line, extended, to the West line, extended Southerly, of Lot 16 in said Hahn's Subdivision, thence Northerly along said West lot line to the South right-of-way line of Hahn Street, thence Westerly along said South right-of-way line, extended, to the West right-of-way line of Addison Avenue, thence Northerly along said West right-of-way line to the Northerly right-of-way line of North Avenue, thence Easterly along said North right-of-way to the West line of Lot 7 in Block 1 of Albert D. Graue's Subdivision of North Elmhurst, recorded as Document 86803 on February 23, 1906, thence Northerly along said West line of Lot 7, extended, to the South right-of-way line of Fremont Avenue, thence Northwesterly to the Southwest corner of Lot 9 in North Elmhurst Third Addition to the Village of Elmhurst, recorded as Document 97862 on August 9, 1909, thence Northerly along the west line of Lots 9 and 8 of said North Elmhurst Third Addition to the Southwest corner of Lot 5 of "County Clerk's Assessment Division of Lots 1 and 2 of the Plat of North Elmhurst Third Addition to the Village of Elmhurst", recorded as Document 233179 on April 8, 1927, thence Northerly along the West line, and West line extended, of Lots 1 through 5, inclusive, in said County Clerk's Assessment Division to the Northerly right-of-way line of Lake Street, thence Southeasterly along said Northerly right-of-way line to the West right-of-way line of York Street, thence Northerly along said West right-of-way line to the South line of Elmhurst Industrial Park Unit No. 1, recorded as Document R65-2240 on January 22, 1965, thence Westerly along said South line to the West line of Lot 7 in said Elmhurst Industrial Park Unit No. 1, thence Northerly along said West lot line, extended, to the North right-of-way line of Industrial Drive, thence Easterly along said right-of-way line to the East line of Lot 31 in said Elmhurst Industrial Park Unit No. 1, thence Northerly along the East line of Lots 31 and 27 in said Elmhurst Industrial Park Unit No. 1 to the North line of said Lot 27, thence Westerly along said North line to the East line of Lot 26 in said Elmhurst Industrial Park Unit No. 1, thence Northerly along said East line, extended, to the Northeast corner of Lot 22 in said Elmhurst Industrial Park Unit No. 1, thence Northerly to the Southwest corner of York Grand Estates Unit Number One, recorded as Document 426473 on July 23, 1941, thence Northerly along the West line of said York Grand Estates Unit Number One, extended, to the Southwest corner of Lot 2 of Klefstad's Elmhurst Subdivision, recorded as Document R93-172175 on August 4, 1993, thence Easterly 266.01 feet to the Southeast corner of said Lot 2, thence continuing Easterly 292.27 feet along the South line of Lot 23 in

Addison Township Supervisors Assessment Plat No.5, recorded as Document 465944 on August 9, 1944, thence Northerly to a point on the South line of Peter's 2nd Subdivision, recorded as Document R69-11385 on March 18, 1969, thence Westerly along said South line 33 feet, thence Northerly 33.75 feet, thence Westerly 134.35 feet to the Southwest corner of said Peter's 2nd Subdivision, thence Northerly along the West line of said Subdivision 161.76 feet to the North Line of Peter's Subdivision, recorded as Document R68-41940 on September 11, 1968, thence Westerly along said North line 124.78 feet to the East line of said Lot 2 in said Klefstad's Elmhurst Subdivision, thence Northerly along said East line of Lot 2 233.96 feet to the Northeast corner of said Lot, thence West along the North line 277.13 feet to the most Westerly East line of Lot 1, thence North along the East line to the Northwest corner of Lot 1, thence West along the North line 275 feet to the Southeast corner of Lot 75 in said Elmhurst Industrial Park Unit No. 2, thence Westerly on the South line to the Southwest corner of said Lot 75, thence Northerly along the West line, and West line extended, of said Lot 75 to the place of beginning, all in DuPage County, Illinois.

EXHIBIT B

General Street Location

The proposed Redevelopment Project Area is generally described as a contiguous area the boundaries of which are approximately the parcels on the east and west sides of York Street from the alley south of Hahn Street on the South to North Avenue on the north, continues north with frontage parcels located on the east and west sides of York Street from North Avenue on the south to Lake Street on the north, continues north along only the east side of York Street from the north side of the I-290 right-of way to Crestview Avenue, at Crestview, incorporates parcels on both the east and west sides of York Street to Wrightwood Avenue, at Wrightwood, includes parcels primarily on the west side of York Street to Grand Avenue and four (4) Community Unit School District 205 parcels on the east side of York Street, and in order to maximize lot depth from York Street throughout the Study Area, and sometimes incorporates several parcels in addition to those fronting York Street and along the south side of Grand Avenue a total of 8 lots west of York Street are incorporated, and adjacent rights of way are also included

EXHIBIT C

Boundary Map



EXHIBIT D

Redevelopment Plan and Project

**CITY OF ELMHURST
NORTH YORK STREET
TAX INCREMENT FINANCING
REDEVELOPMENT PLAN AND PROJECT**

Prepared By:

Kane, McKenna and Associates, Inc.

Prepared For:

The City of Elmhurst, Illinois

September 2012

TABLE OF CONTENTS

	<u>Subject</u>	<u>Page</u>
I.	Introduction	1
	A. The Redevelopment Plan	3
	B. Summary	4
II.	Redevelopment Project Area Legal Description	6
III.	Redevelopment Project Area Goals and Objectives	7
	A. General Goals of the City	7
	B. Specific Objectives for the RPA	7
	C. Redevelopment Objectives	8
IV.	Evidence of the Lack of Development and Growth within RPA and Assessment of Fiscal Impact on Affected Taxing Districts	9
	A. Evidence of the Lack of Development and Growth Within the RPA	9
	B. Assessment of Fiscal Impact on Affected Taxing Districts	9
V.	TIF Qualification Factors Existing in the Redevelopment Project Area	10
	A. Findings	10
	B. Eligibility Survey	10
VI.	Housing Impact Study Findings	11
VII.	Redevelopment Project	12
	A. Redevelopment Plan and Project Objectives	12
	B. Redevelopment Activities	13
	C. General Land Use Plan	14
	D. Additional Design and Control Standards for Community Development in the City	14
	E. Estimated Redevelopment Project Costs	14
	F. Sources of Funds to Pay Redevelopment Project Costs	24
	G. Nature and Term of Obligations to be Issued	25
	H. Most Recent Equalized Assessed Valuation (EAV) Of Properties in the Redevelopment Project Area	25
	I. Anticipated Equalized Assessed Valuation (EAV)	25

TABLE OF CONTENTS ... Continued

	<u>Subject</u>	<u>Page</u>
VIII.	Description and Scheduling of Redevelopment Project	26
	A. Redevelopment Project	26
	B. Commitment to Fair Employment Practices and Affirmative Action	27
	C. Completion of Redevelopment Project and Retirement Of Obligations to Finance Redevelopment Costs	28
IX.	Provisions for Amending the Tax Increment Redevelopment Plan and Project	29

LIST OF EXHIBITS

Exhibit A	-	Boundary Map
Exhibit B	-	Legal Description
Exhibit C	-	Qualification Report
Exhibit D	-	Existing Land Use Map
Exhibit E	-	Proposed Land Use Map

I. INTRODUCTION

The City of Elmhurst (the "City") is a mature community located in Du Page County, Illinois, adjacent to the Villages of Addison and Bensenville on its north, the Villages of Northlake, Berkeley and Hillside on its east, the Villages of Oak Brook and Oak Brook Terrace on its south, and the Village of Villa Park on its west.

The City was incorporated in 1882. The municipality has a population of 44,121 according to the 2010 Census. The City has vehicular access to Chicago and its greater metropolitan area via the Tri State Tollway (I-294), the extension of the Eisenhower Expressway (I-290) and the Reagan Tollway (I-88); as well as State Routes 20 (Lake Street), 38 (Roosevelt Road), 64 (North Avenue), and 83 (Kingery Highway). The City is also served by the Metra rail service (Union Pacific West commuter line) and PACE bus routes.

The City contains a diverse mix of industrial, commercial and residential uses. The City is essentially landlocked by bordering municipalities. Given limited opportunities for redevelopment, the City is focusing attention on areas that can increase the local tax base and provide non-residential revenues (including sales taxes) to the community. These conditions highlight the need to address redevelopment needs through appropriate planning processes.

The City currently utilizes its Comprehensive Plan including its Zoning Map and the City's Zoning Ordinance (and any amendments thereto) to coordinate economic development. The City intends to attract and encourage retail, commercial and mixed use users to locate, upgrade, expand and/or modernize their facilities within the City as part of its ongoing economic development planning. A necessary strategy for the City in pursuing new mixed use, commercial, and retail development will be to eliminate certain existing adverse conditions within some portions of the community, and to find new means to strengthen and further diversify the City's tax base.

The area discussed in this North York Street Redevelopment Plan and Project (the "Plan" or the "Redevelopment Plan and Project") is the proposed North York Street Redevelopment Project Area (the "Redevelopment Project Area", the "RPA" or the "TIF District"). The RPA is a contiguous area the boundaries of which are approximately the parcels on the east and west sides of York Street from the alley south of Hahn Street on the South to North Avenue on the north. The Study Area continues north with frontage parcels located on the east and west sides of York Street from North Avenue on the south to Lake Street on the north. The Study Area continues north along only the east side of York Street from the north side of the I-290 right-of way to Crestview Avenue. At Crestview, the Study Area incorporates parcels on both the east and west sides of York street to Wrightwood Avenue; at Wrightwood, the Study Area includes parcels primarily on the west side of York Street to Grand Ave and four (4) Community Unit School District 205 parcels on the east side of York Street. In order to maximize lot depth from York Street throughout the Study Area, the RPA sometimes incorporates several parcels in addition to those fronting York Street and along the south side of Grand Avenue a total of 8 lots west of York Street are incorporated into the Study Area. Adjacent rights of way are also included.

The RPA is approximately one hundred twenty seven (127) acres in size excluding rights-of-way. The RPA includes approximately one hundred seventy seven (177) tax parcels according to the data available from the Assessor's offices of Du Page County, Addison Township, and York Township. A boundary map of the RPA is attached as Exhibit 1. The RPA is legally described in Section II.

The RPA consists primarily of commercial and industrial uses with limited institutional and residential uses. The area contains approximately one hundred fourteen (114) structures, of which approximately seventy eight (78), or sixty eight percent (68%), are thirty-five (35) years of age or older; and according to City, County and Township records fifty nine (59) of these structures were constructed between 1942 and 1972. There are approximately twenty three (23) inhabited residential units in the RPA.

The advanced age associated with many of these structures, as well as the site improvements and public infrastructure that surround them, has led to a high incidence of adverse conditions as defined by the Tax Increment Allocation Redevelopment Act of Chapter 65 ILCS Section 5/11-74.4 et seq., as amended (the "TIF Act" or the "Act") such as deterioration, obsolescence, and deleterious land use.

Additional conditions that contribute to negative influences within the RPA include excessive vacancies and lack of community planning which are evidenced throughout the area and have been documented pursuant to site visits by Kane, McKenna and Associates, Inc. (KMA), as well as City, County and Township records. These conditions also result in an overall lack of new private sector investment which is further evidenced by a lag in growth of the equalized assessed value (EAV) for the RPA when compared to the EAV growth for the rest of the City in four of the last five tax years.

On balance, the combination of these negative factors limits the opportunities for private reinvestment within and around the RPA. Such factors potentially suppress the value of future development and weaken the potential for business growth limiting employment and contributing to the lack of sustained investment in the area.

If there is coordination of land uses by the City, using TIF Act authority, the RPA would become better positioned for redevelopment. Accordingly, under this Redevelopment Plan and Project and as part of its comprehensive economic development planning, the City intends to attract and encourage commercial, mixed use and retail uses to locate, upgrade, expand and/or modernize their facilities within the City. Through the establishment of the RPA, the City would implement a program to redevelop key areas within the City; in so doing, it would stabilize the area, extend benefits to the community, and assist affected taxing districts over the long term.

A. The Redevelopment Plan

The City recognizes the need for implementation of a strategy to revitalize existing commercial and industrial properties within the boundaries of the RPA and to stimulate and enhance new commercial, retail and mixed use development. Business retention and expansion are key components of the strategy to promote private development within strategically critical commercial areas of the City. The needed private investment in the RPA may only be possible if tax increment financing (TIF) is adopted pursuant to the TIF Act. Incremental property tax revenue generated by the development will play a decisive role in encouraging private development. Existing conditions, such as those associated with properties located within the RPA, that may have precluded intensive private investment in the past will be eliminated. Ultimately, the implementation of the Redevelopment Plan and Project will benefit the City and all the taxing districts, which encompass the area in the form of a significantly expanded tax base.

The designation of the area as a Redevelopment Project Area will allow the City to address area deficiencies including (but not limited to):

- Establishing a pattern of land-use activities that will increase efficiency and economic relationships, especially as such uses complement adjacent commercial and industrial land uses;
- Provision of roadway and traffic improvements within the area, including a comprehensive review of ingress and egress requirements that satisfy area circulation, parking and connections to major arterials;
- Entering into redevelopment agreements in order to further the redevelopment of Coordinating and providing adequate parking and separation of loading/unloading areas for all redevelopments;
- Improving area appearance through rehabilitation of structures, landscape, streetscape and signage programs;
- Coordinating land assembly in order to provide sites for more modern redevelopment plans; and
- Providing infrastructure that is adequate in relation to redevelopment plans.

The area on the whole would not reasonably be anticipated to be redeveloped in a coordinated manner without the adoption of the Redevelopment Plan and Project, herein. The City, with the assistance of KMA, has prepared this Redevelopment Plan and Project to use tax increment financing in order to address local needs and to meet redevelopment goals and objectives.

The adoption of this Redevelopment Plan and Project makes possible the implementation of a comprehensive program for the economic redevelopment of the RPA. By means of public investment, the RPA will become a more viable area that will attract private investment. The public investment will set the stage for the redevelopment of the area with private capital. This in turn will lead to the retention, expansion and attraction of commercial, retail and mixed use development into the City in general and the RPA in particular.

Pursuant to the Act, the RPA includes only those contiguous parcels of real property and improvements thereon substantially benefited by the redevelopment project. Also pursuant to the Act, the area is not less in the aggregate than 1½ acres.

Through this Redevelopment Plan and Project, the City will serve as the central force for marshaling the assets and energies of the private sector for a unified cooperative public-private redevelopment effort. Ultimately, the implementation of the Redevelopment Plan and Project will benefit the City and all the taxing districts, which encompass the RPA in the form of a stabilized and expanded tax base, the retention of existing businesses, the creation of new businesses and the creation of new employment opportunities within the City as a result of induced private sector investment within the area.

B. Summary

The City, through legislative actions as required by the Act, finds:

- That the RPA as a whole has not been subject to growth and development through investment by private enterprise;
- That in order to promote and protect the health, safety, and welfare of the public, certain conditions that have adversely affected redevelopment within the RPA need to be addressed, and that redevelopment of such areas must be undertaken;
- To alleviate the adverse conditions, it is necessary to encourage private investment and enhance the tax base of the taxing districts in such areas by the development or redevelopment of certain areas;
- That public/private partnerships are determined to be necessary in order to achieve development goals;
- That the Redevelopment Plan and Project conforms to the Comprehensive Plan (including any amendments thereto);
- That without the development focus and resources provided for under the Act and as set forth in this Plan, growth and development would not reasonably be expected to be achieved; and
- That the use of incremental tax revenues derived from the tax rates of various taxing districts in the RPA for the payment of redevelopment project costs is of benefit to the taxing districts, because the taxing districts would not derive the benefits of an increased assessment base without addressing the coordination of redevelopment.

Additionally, the City finds that it may be useful, desirable, and necessary for the City to assemble land into parcels of sufficient size to encourage development consistent with current standards.

It is further found, and certified by the City, in connection to the process required for the adoption of this Plan pursuant to the Act, that the projected redevelopment of the RPA will not result in the displacement of ten (10) inhabited residential units or more, and that the RPA contains less than seventy-five (75) inhabited residential units. Therefore, this Plan does not include a Housing Impact Study as would otherwise be required.

The redevelopment activities that will take place within the RPA will produce benefits that are reasonably distributed throughout the RPA. Redevelopment of the RPA area is tenable only if a portion of the improvements and other costs are funded by TIF.

Pursuant to the Act, the RPA includes only those contiguous parcels of real property and improvements thereon substantially benefited by the redevelopment project. Also pursuant to the Act, the area in the aggregate is more than 1½ acres.

II. REDEVELOPMENT PROJECT AREA LEGAL DESCRIPTION

The Redevelopment Project Area legal description is attached in Exhibit 2.

III. REDEVELOPMENT PROJECT AREA GOALS AND OBJECTIVES

The following goals and objectives are presented for the RPA in accordance with the City's Comprehensive Plan, Zoning Ordinance and Zoning Map which are considered the City's comprehensive planning process (including any amendments thereto).

A. General Goals of the City

- 1) Encourage a complimentary and market driven series of commercial developments that are organized to provide a variety of goods and services throughout the community.
- 2) Encourage aesthetically pleasing and functionally well designed retail and commercial shopping area environments.
- 3) Expand and maintain a strong employment base in Elmhurst which expands the overall standard of living.
- 4) Strengthen the City's industrial base.
- 5) Improve Elmhurst's ability to attract and retain high quality employers.
- 6) Increase tax revenues for the City through the expansion of the tax base rather than through raising current tax rates
- 7) Maintain Elmhurst's high quality of infrastructure to support existing businesses and residential uses and encourage reinvestment.
- 8) Maintain and determine adequate parking facilities to serve land uses throughout the City.

B. Specific Objectives for the RPA

- 1) Encourage the redevelopment of obsolete and/or physically deteriorated industrial buildings.
- 2) Expand and improve existing roadways and infrastructure, where necessary, to serve parcels located within the RPA.
- 3) Provide for land assembly, site preparation, grading, and excavation, where necessary, of property located within the RPA.
- 4) When City financial resources are used to support economic development activities ensure that these funds are leveraged to maximize economic benefits for the City.

- 5) Ensure that new development is financially responsible for the proportionate share of City funded services and infrastructure investments that are required as a result of the development.
- 6) Coordinate redevelopment activities within the RPA in a manner that conforms to the fiscal and economic development policies of the City and its common interests with overlapping tax districts.
- 7) Identify viable reuse opportunities for existing structures and for parcels within the RPA.
- 8) Pursue opportunities for the reconfiguration of off street parking lots, structures and the establishment of shared parking agreements to meet parking demands within neighborhood commercial areas in a coordinated and efficient manner.
- 9) Require adequate buffering and screening between residential areas and adjacent commercial, industrial or institutional uses, including parking facilities and loading areas.

C. Redevelopment Objectives

The purpose of the RPA designation will allow the City to:

- 1) Assist in coordinating redevelopment activities within the RPA in order to provide a positive marketplace signal and to conform to recent City planning efforts;
- 2) Reduce or eliminate the negative factors present within the area;
- 3) Accomplish redevelopment over a reasonable time period;
- 4) Provide for high quality public improvement projects within the RPA; and
- 5) Provide for an attractive overall appearance of the area.

The implementation of the Redevelopment Plan and Project will serve to improve the overall quality of life within the RPA and contribute to the economic development of the City as a whole.

IV. EVIDENCE OF THE LACK OF DEVELOPMENT AND GROWTH WITHIN THE RPA AND ASSESSMENT OF FISCAL IMPACT ON AFFECTED TAXING DISTRICTS

A. Evidence of the Lack of Development and Growth Within the RPA

As documented in Exhibit 3 of this Plan, the RPA has suffered from a lack of development and would qualify as a conservation area. In recent years, the area has not benefited from sustained private investment and/or redevelopment and instead has experienced physical and economic decline. Absent intervention by the City, properties within the RPA would not be likely to increase in market value.

The proposed RPA exhibits various conditions which, if not addressed by the City, would eventually worsen. For example, structures and site improvements reflect obsolescence, deterioration, excessive vacancies; deleterious layout; lack of community planning; and experienced a lag in the growth of the EAV when compared with the remainder of the City for four of the last five years. These various conditions discourage private sector investment in business enterprises.

B. Assessment of Fiscal Impact on Affected Taxing Districts

It is anticipated that the implementation of this Redevelopment Plan and Project will have a minimal financial impact on most of the affected taxing districts. In fact, the action taken by the City to stabilize and encourage growth of its tax base through the implementation of this Redevelopment Plan and Project will have a positive impact on the affected taxing districts by arresting inflation adjusted declines in assessed valuations.

Given that there is the potential for new retail, commercial and mixed use development, the City has made allowances in this Redevelopment Plan and Project to provide the flexibility for distributions to such taxing districts and will follow the guidelines provided by the Act to compensate the districts at levels dictated by the precise increase in students. Additionally, should the City achieve success in attracting private investment which, though not anticipated, does result in the demonstrated need for increased services from any other taxing district, the City would consider declaring sufficient TIF related surpluses, which funds are neither expended or obligated for redevelopment activities, as provided by the Act, to assist such taxing districts in paying the costs for any increased services.

Any surplus Special Tax Allocation Funds, to the extent any surplus exists, will be proportionately shared, based on the appropriate tax rates for a given year, with the various taxing districts, including the City, after all TIF eligible costs either expended or incurred as an obligation by the City have been duly accounted for through administration of the Special Tax Allocation Fund to be established by the City as provided by the Act. The exception to this provision will be to the extent that the City utilizes TIF funding to assist in the redevelopment of residential units with the impact described above to the Elmhurst Community Unit School District 205 (District 205). In such cases, the City will provide funds to offset the costs incurred by District 205 in the manner prescribed by 65 ILCS Section 5/11-74.4.3(q)(7.5) of the Act.

V. **TIF QUALIFICATION FACTORS EXISTING IN THE REDEVELOPMENT PROJECT AREA**

A. **Findings**

The RPA was studied to determine its qualifications under the Tax Increment Allocation Redevelopment Act. It was determined that the area as a whole qualifies as a TIF District under Illinois law based upon conservation area factors. Refer to the Qualification Report, (Exhibit 3) which is attached as part of this plan.

B. **Eligibility Survey**

The RPA was evaluated, from time to time, over a period from October of 2011 through the date of this Redevelopment Plan and Project by representatives of KMA. Analysis was aided by certain reports obtained from the City of Elmhurst and other sources. In KMA's evaluation, only information was recorded which would directly aid in the determination of eligibility for the proposed North York Street Redevelopment Project Area.

VI. HOUSING IMPACT STUDY FINDINGS IN THE REDEVELOPMENT PROJECT AREA

Findings

The RPA was studied in order to determine if a housing impact study would need to be conducted pursuant to the TIF Act. The City has found that the area will not displace ten (10) or more residents and that the RPA contains less than seventy-five (75) inhabited residential units, thus a housing impact study is not required to be completed. If at a later date, the City does decide to dislocate more than ten (10) units or add seventy-five (75) or more inhabited residential units as part of an amendment, then the City must complete a housing impact study.

VII. REDEVELOPMENT PROJECT

A. Redevelopment Plan and Project Objectives

The City proposes to realize its goals and objectives of encouraging the redevelopment of the RPA and encouraging private investment through public finance techniques including, but not limited to, Tax Increment Financing:

- 1) By implementing a plan that provides for the retention and expansion of existing businesses, and the attraction of users to redevelop existing light industrial and commercial structures, as well as vacant parcels that are, or may become available, within the RPA.
- 2) By constructing public improvements which may include (if necessary):
 - i. Street and sidewalk improvements (including new street construction and widening of current streets);
 - ii. Utility improvements (including, but not limited to, water, stormwater management, flood control and sanitary sewer projects consisting of construction and rehabilitation);
 - iii. Signalization, traffic control and lighting;
 - iv. Off-street parking (if applicable);
 - v. Landscaping and beautification; and
 - vi. Public facilities
- 3) By entering into redevelopment agreements with developers for qualified redevelopment projects, including (but not limited to) the provision of an interest rate subsidy as allowed under the Act.
- 4) By providing for land assembly, site preparation, environmental remediation (if necessary), clearance, and demolition, including grading and excavation.
- 5) By the redevelopment of certain buildings through necessary rehabilitation and improvement of structures.
- 6) By exploring and reviewing job training programs in coordination with any City, federal, state, and county programs.
- 7) By entering into agreements with other public bodies for the development or construction of public facilities and infrastructure.

B. Redevelopment Activities

Pursuant to the foregoing objectives, the City will implement a coordinated program of actions, including, but not limited to, site preparation, clearance, acquisition, demolition, provision of public infrastructure and related public improvements, and rehabilitation of structures, if necessary.

Site Preparation, Clearance, and Demolition

Property within the RPA may be acquired and improved through the use of site clearance, excavation, environmental remediation or demolition prior to redevelopment. The land may also be graded and cleared prior to redevelopment.

Land Assembly and Relocation

Certain properties or interests in properties in the RPA may be acquired by purchase or the exercise of eminent domain. Properties owned or acquired by the City may be assembled and reconfigured into appropriate redevelopment sites. It is expected that the City would facilitate private acquisition through reimbursement of acquisition and related costs through the write-down of its acquisition costs. Such land may be held or disposed of by the City on terms appropriate for public or private development, including the acquisition of land needed for construction of public facilities or improvements. Relocation activities may also be undertaken by the City.

Public Improvements

The City may, but is not required to provide, public improvements in the RPA to enhance the immediate area and support the Redevelopment Plan and Project. Appropriate public improvements may include, but are not limited to:

- Improvements and/or construction of public utilities including extension of water mains as well as flood control and sanitary and storm sewer systems;
- Beautification, identification markers, landscaping, lighting, and signage of public right-of-ways; and
- Construction of new (or rehabilitation of existing) public facilities to allow for the redevelopment of the existing sites for new mixed use or retail/commercial uses.

Rehabilitation

The City may provide for the rehabilitation of certain structures within the RPA in order to provide for the redevelopment of the area and conformance to City code provisions. Improvements may include exterior and facade related work as well as interior related work.

Interest Rate Write-Down

The City may enter into agreements with owners/developers whereby a portion of the interest cost of a construction, renovation or rehabilitation project is paid for on annual basis out of the Special Tax Allocation fund of the RPA, in accordance with the Act.

Job Training

The City may assist facilities and enterprises located within the RPA in obtaining job training assistance. Job training and retraining programs currently available from or through other governments include, but are not limited to:

- Federal programs;
- State of Illinois programs;
- Applicable local vocational educational programs, including community college sponsored programs;
- Other federal, state, county or non-profit programs that are currently available or will be developed and initiated over time.

C. General Land Use Plan

Existing land use generally consists of a mix of primarily industrial and commercial uses, and limited institutional and residential uses. Existing and proposed land uses are shown in Exhibits 4 and 5 attached hereto and made a part of this Plan. The proposed land uses will conform to the City's Comprehensive Plan (including any amendments thereto).

D. Additional Design and Control Standards for Community Development in the City of Elmhurst

The appropriate design controls, as set forth in the City's Comprehensive Plan, Zoning Ordinance and Building Codes (including any amendments thereto) shall apply to the RPA.

E. Estimated Redevelopment Project Costs

Redevelopment project costs mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, as provided in the Act, and any such costs incidental to this Redevelopment Plan and Project. Private investments, which supplement "Redevelopment Project Costs", are expected to substantially exceed such Redevelopment Project Costs. Eligible costs permitted under the Act which may be pertinent to this Redevelopment Plan and Project include:

1. Costs of studies and surveys, development of plans and specifications, implementation and administration of the redevelopment plan including, but not limited to, staff and professional service costs for architectural, engineering, legal, marketing, financial, planning, or other special services, provided, however, that

no charges for professional services may be based on a percentage of the tax increment collected; except that after November 1, 1999, no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of three (3) years. In addition, "redevelopment project costs" shall not include lobbying expenses;

- 1.1 After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment area or approved a redevelopment plan;
2. The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;
3. Property assembly costs, including, but not limited to, acquisition of land and other property, real or personal, or rights or interest therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to, parking lots and other concrete or asphalt barriers, and the clearing and grading of land;
4. Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures and leasehold improvements; and the costs of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment; including any direct or indirect costs relating to Green Globes or LEED certified construction elements or construction elements with an equivalent certification;
5. Costs of the construction of public works or improvements, including any direct or indirect costs relating to Green Globes or LEED certified construction elements or construction elements with an equivalent certification, except that on and after November, 1, 1999 redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to the effective date of this amendatory Act of the 91st General Assembly or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provided that basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan;

6. Costs of job training and retraining projects including the costs of "welfare to work" programs implemented by businesses located within the redevelopment project area;
7. Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued pursuant to the Act accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;
8. To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital (and additional student tuition) costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project;
9. For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999 an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by the Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:
 - a) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by the Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

- (i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than \$5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;
 - (ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than \$5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and
 - (iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than \$5,900, no more than 8% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.
- b) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition charge equal to or more than \$5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by the Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:
- (i) for unit school district, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;
 - (ii) for elementary school district, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and
 - (iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under the Act.

- c) Any school district in a municipality with a population of 1,000,000, additional restrictions apply.

Any school district seeking payment shall, after July 1 and before September 30 of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. School districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by the Act. By acceptance of this reimbursement the school district waives the right to directly or indirectly set aside, modify, or contest in any manner the establishment of the redevelopment project area or projects;

10. For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after January 1, 2005, a public library district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act shall be paid to the library district by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units. This paragraph applies only if (i) the library is located in a county that is subject to the Property Tax Extension Limitation Law or (ii) the library district is not located in a county that is subject to the Property Tax Extension Limitation Law but the district is prohibited by any other law from increasing its tax levy rate without a prior voter referendum.

The amount paid to a library district under this paragraph shall be calculated by multiplying (i) the net increase in the number of persons eligible to obtain a library card in that district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by (ii) the per-patron cost of providing library services so long as it does not exceed \$120. The per-patron cost shall be the Total Operating Expenditures Per Capita as stated in the most recent Illinois Public Library Statistics produced by the Library Research Center at the University of Illinois. The municipality may deduct from the amount that it must pay to a library district under this paragraph any amount that it has voluntarily paid to the library district from the tax increment revenue. The amount paid to a library district under this paragraph shall be no more than 2% of the amount produced by the assisted housing units and deposited into the Special Allocation Fund.

A library district is not eligible for any payment under this paragraph unless the library district has experienced an increase in the number of patrons from the municipality that created the tax-increment-financing district since the designation of the redevelopment project area.

Any library district seeking payment under this paragraph shall, after July 1 and before September 30 of each year, provide the municipality with convincing evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the library district. If the library district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. Library districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph. By acceptance of such reimbursement, the library district shall forfeit any right to directly or indirectly set aside, modify, or contest in any manner whatsoever the establishment of the redevelopment project area or projects;

11. Relocation costs to the extent that the City determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or state law;
12. Payment in lieu of taxes;
13. Costs of job training, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in the redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the City, are set forth in a written agreement by or among the City and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Section 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Section 10-22.20a and 10-23.3a of the School Code;
14. Interest costs incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:
 - a) such costs are to be paid directly from the Special Tax Allocation Fund established pursuant to the Act;

- b) such payments in any one-year may not exceed 30% of the annual interest costs incurred by the developer with regard to the redevelopment project during that year;
- c) if there are not sufficient funds available in the Special Tax Allocation Fund to make the payment pursuant to this paragraph then the amounts so due shall accrue and be payable when sufficient funds are available in the Special Tax Allocation Fund;
- d) the total of such interest payments paid pursuant to the Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to the Act;
- e) the cost limits set forth in subparagraphs (b) and (d) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act and the percentage of 75% shall be substituted for 30% in subparagraphs (b) and (d);
- f) Instead of the eligible costs provided by subparagraphs (b) and (d), as modified by this subparagraph, and notwithstanding any other provisions of the Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under the Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing. The eligible costs provided under this subparagraph (f) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (f).

The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (f) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner

of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later;

15. If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county or regional median income are determined from time to time by the United States Department of Housing and Urban Development.
16. Unless explicitly stated herein the costs of construction of new privately owned buildings shall not be an eligible redevelopment project cost;
17. After November 1, 1999, none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment projects if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, has become economically obsolete, or was no longer a viable location for the retailer or serviceman;
18. No cost shall be a redevelopment project cost in a redevelopment project area if used to demolish, remove, or substantially modify a historic resource, after August 26, 2008, unless no prudent and feasible alternative exists. "Historic Resource" means (i) a place or structure that is included or eligible for inclusion on the National Register of Historic Places or (ii) a contributing structure in a district on the National Register of Historic Places. This restriction does not apply

to a place or structure for which demolition, removal, or modification is subject to review by the preservation agency of a Certified Local Government designated as such by the National Park Service of the United States Department of the Interior.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax incremental revenues derived from the tax imposed pursuant to Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by the TIF Act.

Estimated costs are shown on the next page. Adjustments to these cost items may be made without amendment to the Redevelopment Plan and Project.

**CITY OF ELMHURST
NORTH YORK STREET REDEVELOPMENT PROJECT
ESTIMATED PROJECT COSTS**

<u>Program Actions/Improvements</u>	<u>Estimated Costs (A)</u>
1. Land Acquisition, Assembly Costs and Relocation Costs	\$15,000,000
2. Demolition, Site Preparation, Environmental Cleanup and Related Costs	15,000,000
3. Utility Improvements including, but not limited to water system, storm/flood control system, sanitary sewers and road and rights-of-way improvements	19,500,000
4. Public facilities (inclusive of approved capital costs for City and other tax districts)	15,000,000
5. Rehabilitation Programs	7,500,000
6. Interest Costs Pursuant to the Act	2,500,000
7. Planning, Legal, Engineering, Administrative and Other Professional Service Costs	11,625,000
8. Job Training	1,000,000
9. Potential Tuition Costs Pursuant to the Act	<u>\$2,000,000</u> ¹
TOTAL ESTIMATED PROJECT COSTS	\$89,125,000

(A) All project cost estimates are in year 2012 dollars. In addition to the above stated costs, any bonds issued to finance a phase of the Project may include an amount sufficient to pay customary and reasonable charges associated with the issuance of such obligations as well as to provide for capitalized interest and reasonably required reserves. Adjustments to the estimated line item costs above are expected. Each individual project cost will be reevaluated in light of the projected private development and resulting tax revenues as it is considered for public financing under the provisions of the Act. The line item amounts set forth above are not intended to place a not to exceed limit on the described expenditures as the specific items listed above are not intended to preclude payment of other eligible redevelopment project costs in connection with the redevelopment of the RPA, provided the amount of payments for the Total Estimated Project Costs shall not exceed the combined overall budget amount shown above. Adjustments may be made in line items within the total, either increasing or decreasing line item costs for redevelopment.

¹ See Section VII, sub-paragraph E9.

Pursuant to the Act, the City may utilize net incremental property tax revenues received from other existing or future contiguous redevelopment project areas to pay eligible redevelopment project costs or obligations issued to pay such costs in the North York Street Redevelopment Project Area, and vice versa.

F. Sources of Funds to Pay Redevelopment Project Costs Eligible Under Illinois TIF Act

Funds necessary to pay for public improvements and other project costs eligible under the Act are to be derived principally from property tax increment revenues, proceeds from municipal obligations to be retired primarily with tax increment revenues and interest earned on resources available but not immediately needed for the Redevelopment Plan and Project.

“Redevelopment Project Costs” specifically contemplate those eligible costs set forth in the Act and do not contemplate the preponderance of the costs to redevelop the area. The majority of development costs will be privately financed, and TIF or other public sources are to be used, subject to approval by the City Council, only to leverage and commit private redevelopment activity.

The tax increment revenues, which will be used to pay debt service on the municipal obligations, if any, and to directly pay redevelopment project costs, shall be the incremental increase in property taxes attributable to the increase in the equalized assessed value of each taxable lot, block, tract or parcel of real property in the RPA over and above the initial equalized assessed value of each such lot, block, tract or parcel in the RPA in the 2011 tax year for the RPA.

Among the other sources of funds which may be used to pay for redevelopment project costs and debt service on municipal obligations issued to finance project costs are the following: certain local sales or utility taxes, special service area taxes, the proceeds of property sales, certain land lease payments, certain Motor Fuel Tax revenues, certain state and federal grants or loans, certain investment income, and such other sources of funds and revenues as the City may from time to time deem appropriate.

The Redevelopment Project Area would not reasonably be expected to be developed in a coordinated manner without the use of the incremental revenues provided by the Act.

The City may also direct incremental revenues from the North York Street Redevelopment Project Area to any existing or future contiguous redevelopment project areas for redevelopment activities in conformance with the provisions of the Act and it may also receive incremental revenues from any existing or future contiguous redevelopment project areas in order to further the redevelopment activities described in this Plan.

G. Nature and Term of Obligations to be Issued

The City may issue obligations secured by the Special Tax Allocation Fund established for the North York Street Redevelopment Project Area pursuant to the Act or such other funds as are available to the City by virtue of its home rule powers pursuant to the Illinois State Constitution.

Any and/or all obligations issued by the City pursuant to this Redevelopment Plan and Project and the Act shall be retired not more than twenty-three (23) years after the year of adoption of the ordinance approving the North York Street Redevelopment Project Area. However, the final maturity date of any obligations issued pursuant to the Act may not be later than twenty (20) years from their respective date of issuance. One or more series of obligations may be issued from time to time in order to implement this Redevelopment Plan and Project. The total principal and interest payable in any year on all obligations shall not exceed the amount available in that year or projected to be available in that year, may be payable from tax increment revenues and from bond sinking funds, capitalized interest, debt service reserve funds, and all other sources of funds as may be provided by ordinance.

Those revenues not required for principal and interest payments, for required reserves, for bond sinking funds, for redevelopment project costs, for early retirement of outstanding securities, and to facilitate the economical issuance of additional bonds necessary to accomplish the Redevelopment Plan and Project, may be declared surplus and shall then become available for distribution annually to taxing districts overlapping the RPA in the manner provided by the Act.

Such securities may be issued on either a taxable or tax-exempt basis, as general obligation or revenue bonds, with either fixed rate or floating interest rates; with or without capitalized interest; with or without deferred principal retirement; with or without interest rate limits except as limited by law; and with or without redemption provisions, and on such other terms, all as the City may determine.

H. Most Recent Equalized Assessed Valuation (EAV) of Properties in the Redevelopment Project Area

The most recent estimate of equalized assessed valuation (EAV) for tax year 2011 of the property within the RPA is approximately \$31,933,850.

I. Anticipated Equalized Assessed Valuation (EAV)

Upon completion of the anticipated private development of the North York Street Redevelopment Project Area over a twenty-three (23) year period, it is estimated that the equalized assessed valuation (EAV) of the property within the North York Street Redevelopment Project Area will be within a range of approximately \$105 million to \$ 150 million.

VIII. DESCRIPTION AND SCHEDULING OF REDEVELOPMENT PROJECT

A. Redevelopment Project

An implementation strategy will be employed with full consideration given to the availability of both public and private funding. It is anticipated that a phased redevelopment will be undertaken.

The Redevelopment Project will begin as soon as the private entities have obtained financing approvals for appropriate projects and such uses conform to the City's Comprehensive Plan (including any amendments thereto). Depending upon the scope of the development as well as the actual uses, the following activities may be included in each phase:

Land Assembly: Certain properties in the RPA may be acquired and assembled into an appropriate redevelopment site.

Demolition and Site Preparation: The existing improvements located within the RPA may have to be reconfigured or prepared to accommodate new uses or expansion plans. Demolition of certain parcels may be necessary for future projects. Additionally, the redevelopment plan contemplates site preparation, or other requirements necessary to prepare the site for desired redevelopment projects.

Rehabilitation: The City may assist in the rehabilitation of private or public facilities, buildings or site improvements located within the RPA.

Landscaping/Buffering/Streetscaping: The City may fund certain landscaping projects, which serve to beautify public properties or rights-of-way and provide buffering between land uses.

Water, Sanitary Sewer, Storm Sewer and Other Utility Improvements: Certain utilities may be extended or re-routed to serve or accommodate the new development. Upgrading of existing utilities may be undertaken. The provision of necessary detention or retention ponds may also be undertaken by the City. Utility services may also be provided or relocated in order to accommodate the renovation or expansion of buildings.

Public Infrastructure/Facility Improvements: Widening of existing road improvements and/or vacation of roads may be undertaken by the City. Certain secondary streets/roads may be extended or constructed. Related curb, gutter, and paving improvements could also be constructed as needed. Public facilities including parking areas may be constructed that would be available to the general public.

Utility services may also be provided or relocated in order to accommodate the renovation or expansion of buildings.

Traffic Control/Signalization: Traffic control or signalization improvements that improve access to the RPA and enhance its redevelopment may be constructed.

Public Safety Related Infrastructure: Certain public safety improvements including, but not limited to, public signage, public facilities, and streetlights may be constructed or implemented.

Interest Costs Coverage: The City may fund certain interest costs incurred by a developer for construction, renovation or rehabilitation of a redevelopment project. Such funding would be paid for out of annual tax increment revenue generated from the RPA as allowed under the Act.

Professional Services: The City may fund necessary planning, legal, engineering, administrative and financing costs during project implementation. The City may reimburse itself from annual tax increment revenue if available.

Potential Payments to School or Library Districts: The City may fund payments to School District 205 pursuant to the provisions of the Act.

B. Commitment to Fair Employment Practices and Affirmative Action

As part of any Redevelopment Agreement entered into by the City and any private developers, both will agree to establish and implement an honorable, progressive, and goal-oriented affirmative action program that serves appropriate sectors of the City. The program will conform to the most recent City policies and plans.

With respect to the public/private development's internal operations, both entities will pursue employment practices, which provide equal opportunity to all people regardless of sex, color, race or creed. Neither party will discriminate against any employee or applicant because of sex, marital status, national origin, age, or the presence of physical handicaps. These nondiscriminatory practices will apply to all areas of employment, including: hiring, upgrading and promotions, terminations, compensation, benefit programs and education opportunities.

All those involved with employment activities will be responsible for conformance to this policy and the compliance requirements of applicable state and federal regulations.

The City and private developers will adopt a policy of equal employment opportunity and will include or require the inclusion of this statement in all contracts and subcontracts at any level. Additionally, any public/private entities will seek to ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which all employees are assigned to work. It shall be specifically ensured that all on-site supervisory personnel are aware of and carry out the obligation to maintain such a working environment, with specific attention to minority and/or female individuals.

Finally, the entities will utilize affirmative action to ensure that business opportunities are provided and that job applicants are employed and treated in a nondiscriminatory manner. Underlying this policy is the recognition by the entities that successful affirmative action programs are important to the continued growth and vitality of the community.

C. Completion of Redevelopment Project and Retirement of Obligations to Finance Redevelopment costs

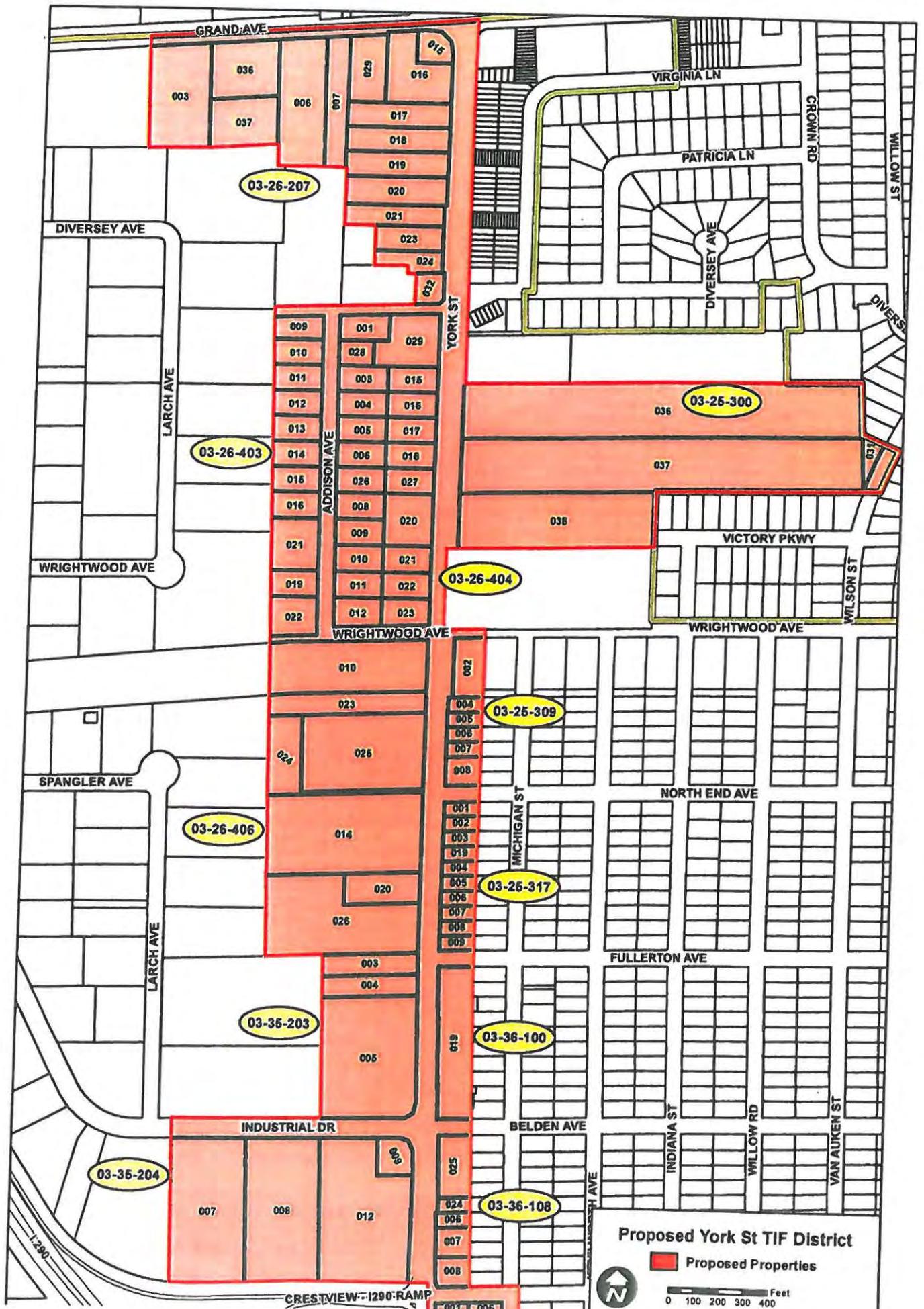
This Redevelopment Project and retirement of all obligations to finance redevelopment costs will be completed within twenty-three (23) calendar years after the year of adoption of an ordinance designating the North York Street Redevelopment Project Area. The actual date for such completion and retirement of obligations shall not be later than December 31 of the year in which the payment to the municipal treasurer pursuant to the Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year of the initial adoption of the ordinance approving the RPA.

IX. PROVISIONS FOR AMENDING THE TAX INCREMENT REDEVELOPMENT PLAN AND PROJECT

This Redevelopment Plan and Project may be amended pursuant to the provisions of the Act.

EXHIBIT A

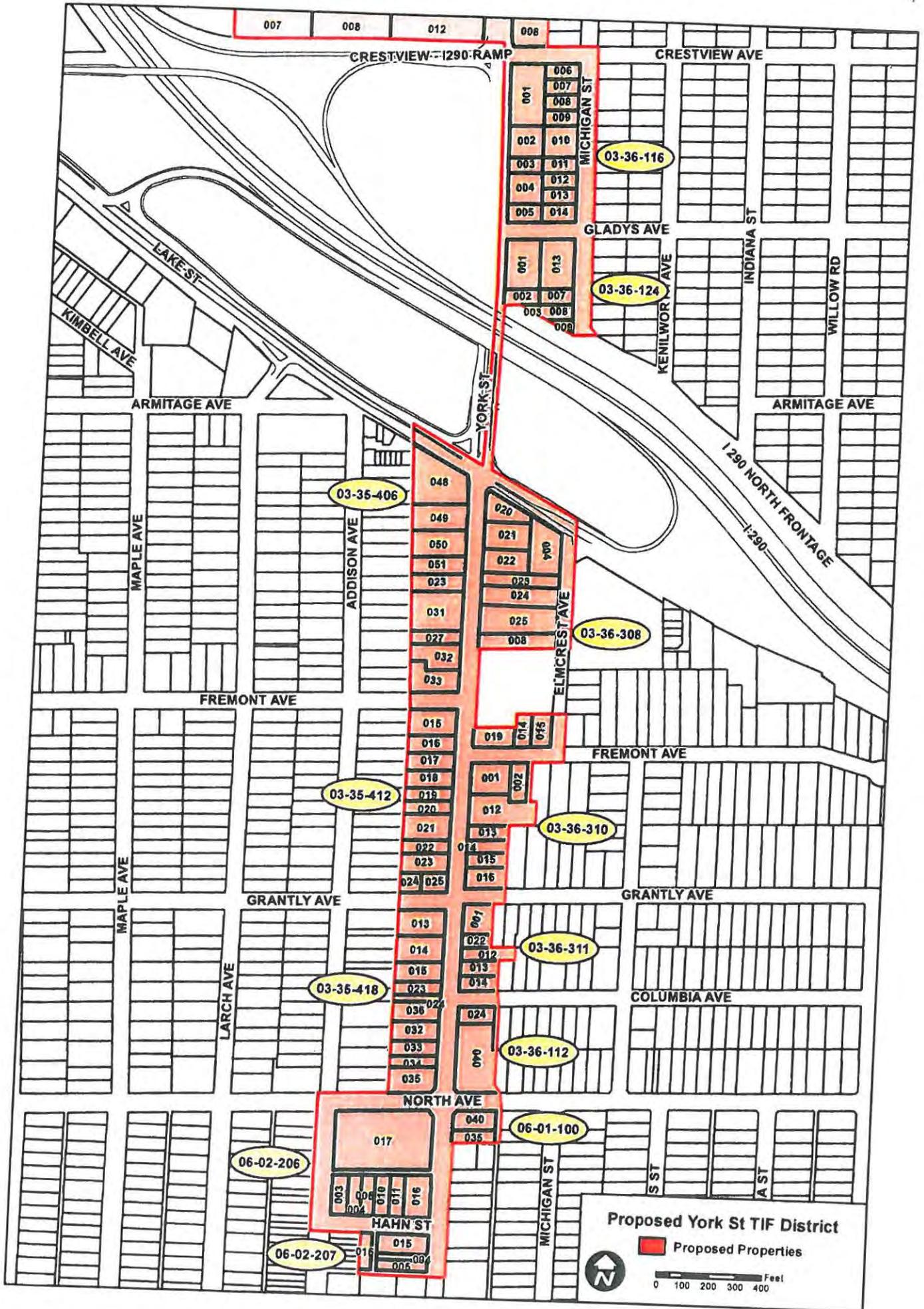
BOUNDARY MAP



Proposed York St TIF District

Proposed Properties





007 008 012

CRESTVIEW--I290-RAMP

CRESTVIEW AVE

001 006
002 007
003 008
004 009
005 010
011
012
013
014

03-36-116

GLADYS AVE

001 013
002 007
003 008
009

03-36-124

MICHIGAN ST

KENILWORTH AVE

INDIANA ST

WILLOW RD

ARMITAGE AVE

I-290 NORTH FRONTAGE

LAKE ST

KIMBELL AVE

ARMITAGE AVE

MAPLE AVE

03-35-406

048
049
050
051
023
031
027
032
033

020
021
022
023
024
025
008

03-36-308

ELMCREST AVE

FREMONT AVE

03-35-412

015
016
017
018
019
020
021
022
023
024
025

019
014
015

FREMONT AVE

03-36-310

001
002
012
013
014
015
016

GRANTLY AVE

GRANTLY AVE

03-35-418

013
014
015
023
024
032
033
034
035

001
002
012
013
014

03-36-311

LARCH AVE

COLUMBIA AVE

03-36-112

NORTH AVE

040
035

06-01-100

06-02-206

017
003
004
008
010
011
016

MICHIGAN ST

S ST

A ST

06-02-207

015
005
009

HAHN ST

EXHIBIT B
LEGAL DESCRIPTION

Elmhurst North York Street TIF Legal Description

That part of Sections 25, 26, 35 and 36 of Township 40 North, Range 11, East of the Third Principal Meridian and Sections 1 and 2 of Township 39 North, Range 11, East of the Third Principal Meridian described as commencing at the intersection of the Northerly corporate boundary of Elmhurst, said Northerly boundary being the centerline of Grand Avenue, with the Westerly lot line, extended north, of Lot 75 in Elmhurst Industrial Park Unit No. 2, recorded as Document R65-24614 on July 9, 1965, for a place of beginning, thence Easterly along said centerline of Grand Avenue to the Easterly right-of-way line of York Street, thence Southerly along said Easterly right-of-way line to the North line of Lot 2 of York Gardens, recorded as Document 456519 on December 3, 1943, thence Easterly along said North lot line to the East line of said Lot 2, thence Southerly along said East line to the Northwest corner of Lot 11 in Block 3 of Country Club Highlands Subdivision Unit 3, recorded as Document 877616 on April 25, 1958, thence Southeasterly along the Northerly line of said Lot 11, extended, to the Easterly right-of-way line of Wilson Street, thence Southwesterly along said Easterly right-of-way line to its intersection with the North line, extended Easterly, of Lots 12 through 24, inclusive, in Block 3 of said Country Club Highlands Subdivision Unit 3, thence Westerly along said North line to the West Line of said Lot 24, thence Southerly along said West line, extended, to the South line of Lot 4 in said York Gardens, thence Westerly along said South line to the Easterly right-of-way line of York Street, thence Southerly along said Easterly right-of-way to the South lot line of York Meadows Condominiums, recorded as Document R80-05482 on January 22, 1980, thence Easterly along said South lot line to the East lot line, extended Northerly, of Lot 20 in Block 12 of H.O. Stone and Co.'s Elmhurst Addition, recorded as Document 161539 on December 20, 1922, thence Southerly along said East lot line, extended, to the South lot line of Lot 10 in Block 37 of said H.O. Stone and Co.'s Elmhurst Addition, said South lot line being the North right-of-way of Crestview Avenue, thence Easterly along said North right-of-way line to the East right-of-way line of Michigan Street, thence Southerly along said East right-of-way line to the South lot line of Lot 15 in Block 54 of said H.O. Stone and Co.'s Elmhurst Addition, thence generally Westerly along the Northerly right-of-way line of Interstate 290 to the East right-of-way line of York Street, thence Southerly along said East right-of-way line to the Northerly right-of-way line of Lake Street, thence Southeasterly along said Northerly right-of-way line to the East right-of-way line, extended Northerly, of Elmcrest Avenue, thence Southerly along said East right-of-way line to the North line, extended Easterly, of Lot 5 in Block 1 of Robertson's Addition to Elmhurst, recorded as Document 92032 on October 30, 1907, thence Westerly along said North lot line to the East right-of-way line of York Street, thence Southerly along said East right-of-way line 300 feet, thence Easterly 155 feet, thence Northerly 50 feet to the North line of Lot 7 in Block 1 of said Robertson's Addition to Elmhurst, thence Easterly along said lot line, extended, to the East right-of-way line of Elmcrest Avenue, thence Southerly along said East right-of-way line and right-of-way line extended, to the South right-of-way line of Fremont Avenue, thence Westerly along said South right-of-way line 120 feet to the west line of the east 25 feet of lot 2 in Owners division of Block 2 of Robertsons Addition to Elmhurst, recorded as Document 258941 on June 4, 1928, thence Southerly along said west line 150 feet to the south line of lot 2, , thence Easterly along said line 25 feet to the southeast corner of lot 2, thence Southerly 90 feet along the west line of the east 50 feet of lot 5 to a point on the North line of Robertson's Second Addition to Elmhurst, recorded as Document 95683 on January 20, 1909, said point being 250 feet East of the Northwest corner of said Robertson's Second Addition to Elmhurst, thence Westerly along said North line to the East line of Lot 49 in said Robertson's Second Addition to Elmhurst, thence Southerly along said East lot line, extended, to the North line of Paul J. Lowe Resubdivision, recorded as Document R96-024157 on February 14, 1996, thence Westerly 42 feet to the northwest corner of lot 1, thence Southerly along the west line 165

feet to the south west corner lot 1, thence Easterly along south line 92 feet in said Paul J. Lowe Resubdivision to the East line of Lot 26 in said Robertson's Second Addition to Elmhurst, thence Southerly along said lot line 50 feet to the North line of the Resubdivision of Robertson's Second Addition to Elmhurst, recorded as Document 111786 on April 23, 1913, thence Westerly along said North line to the West line of Lot 11 in said Resubdivision, thence Southerly along said West line to the North right-of-way line of Columbia Avenue, thence Southeasterly to the Northwest corner of Lot 7 in said Resubdivision, thence Southerly 296.75 feet along the West line of Lots 7 and 8 in said Resubdivision, thence Southeasterly 38.83 feet to a point on the Northerly right-of-way line of North Avenue, said point being 22 feet Easterly of the Southwest corner of said Lot 8, thence Southeasterly to the Northwest corner of Lot 30 in Block 1 of Fairview Addition to Elmhurst, recorded as Document 110851 on February 7, 1913, thence Southerly along the West line of Lots 30 and 29 in said Block 1 to the South line, extended Easterly, of Lot 2 in said Block 1 of Fairview Addition, thence Westerly along said South line, and South line extended, to the East right-of-way line of York Street, thence Southerly along said East right-of-way line to the North line, extended Easterly, of Lot 25 in Hahn's Subdivision, recorded as Document 47483 on December 8, 1891, thence Westerly along said North lot line, extended, to the West line, extended Southerly, of Lot 16 in said Hahn's Subdivision, thence Northerly along said West lot line to the South right-of-way line of Hahn Street, thence Westerly along said South right-of-way line, extended, to the West right-of-way line of Addison Avenue, thence Northerly along said West right-of-way line to the Northerly right-of-way line of North Avenue, thence Easterly along said North right-of-way to the West line of Lot 7 in Block 1 of Albert D. Graue's Subdivision of North Elmhurst, recorded as Document 86803 on February 23, 1906, thence Northerly along said West line of Lot 7, extended, to the South right-of-way line of Fremont Avenue, thence Northwesterly to the Southwest corner of Lot 9 in North Elmhurst Third Addition to the Village of Elmhurst, recorded as Document 97862 on August 9, 1909, thence Northerly along the west line of Lots 9 and 8 of said North Elmhurst Third Addition to the Southwest corner of Lot 5 of "County Clerk's Assessment Division of Lots 1 and 2 of the Plat of North Elmhurst Third Addition to the Village of Elmhurst", recorded as Document 233179 on April 8, 1927, thence Northerly along the West line, and West line extended, of Lots 1 through 5, inclusive, in said County Clerk's Assessment Division to the Northerly right-of-way line of Lake Street, thence Southeasterly along said Northerly right-of-way line to the West right-of-way line of York Street, thence Northerly along said West right-of-way line to the South line of Elmhurst Industrial Park Unit No. 1, recorded as Document R65-2240 on January 22, 1965, thence Westerly along said South line to the West line of Lot 7 in said Elmhurst Industrial Park Unit No. 1, thence Northerly along said West lot line, extended, to the North right-of-way line of Industrial Drive, thence Easterly along said right-of-way line to the East line of Lot 31 in said Elmhurst Industrial Park Unit No. 1, thence Northerly along the East line of Lots 31 and 27 in said Elmhurst Industrial Park Unit No. 1 to the North line of said Lot 27, thence Westerly along said North line to the East line of Lot 26 in said Elmhurst Industrial Park Unit No. 1, thence Northerly along said East line, extended, to the Northeast corner of Lot 22 in said Elmhurst Industrial Park Unit No. 1, thence Northerly to the Southwest corner of York Grand Estates Unit Number One, recorded as Document 426473 on July 23, 1941, thence Northerly along the West line of said York Grand Estates Unit Number One, extended, to the Southwest corner of Lot 2 of Klefstad's Elmhurst Subdivision, recorded as Document R93-172175 on August 4, 1993, thence Easterly 266.01 feet to the Southeast corner of said Lot 2, thence continuing Easterly 292.27 feet along the South line of Lot 23 in Addison Township Supervisors Assessment Plat No.5, recorded as Document 465944 on August 9, 1944, thence Northerly to a point on the South line of Peter's 2nd Subdivision, recorded as Document R69-11385 on March 18, 1969, thence Westerly along said South line 33 feet, thence Northerly 33.75 feet, thence Westerly 134.35 feet to the Southwest corner of said Peter's 2nd Subdivision, thence Northerly along the West line of said Subdivision 161.76 feet to the North Line of Peter's Subdivision, recorded as Document R68-41940 on September 11, 1968, thence Westerly along said North line 124.78 feet to the

East line of said Lot 2 in said Klefstad's Elmhurst Subdivision, thence Northerly along said East line of Lot 2 233.96 feet to the Northeast corner of said Lot, thence West along the North line 277.13 feet to the most Westerly East line of Lot 1, thence North along the East line to the Northwest corner of Lot 1, thence West along the North line 275 feet to the Southeast corner of Lot 75 in said Elmhurst Industrial Park Unit No. 2, thence Westerly on the South line to the Southwest corner of said Lot 75, thence Northerly along the West line, and West line extended, of said Lot 75 to the place of beginning, all in DuPage County, Illinois.

Revised 06/01/12

EXHIBIT C
TIF QUALIFICATION REPORT

**CITY OF ELMHURST
TIF QUALIFICATION REPORT
NORTH YORK STREET TIF DISTRICT**

A study to determine whether all or a portion of an area located in the City of Elmhurst qualifies as a conservation area as set forth in the definition in the Tax Increment Allocation Redevelopment Act of 65 ILCS Section 5/11-74.4-3, et seq., as amended.

Prepared For: City of Elmhurst, Illinois

Prepared By: Kane, McKenna and Associates, Inc.

September 2012

**CITY OF ELMHURST
QUALIFICATION REPORT
NORTH YORK STREET TIF DISTRICT
TABLE OF CONTENTS**

<u>SECTION</u>	<u>TITLE</u>	<u>PAGE</u>
I.	Introduction and Background	1
II.	Qualification Criteria Used	5
III.	The Proposed RPA	8
IV.	Methodology of Evaluation	9
V.	Qualification of Proposed RPA/Findings of Eligibility	10
VI.	Summary of Findings and Overall Assessment of Qualification	16

EXHIBIT 1

Proposed TIF Boundary Map

EXHIBIT 2

Legal Description

I. INTRODUCTION AND BACKGROUND

In the context of planning for the North York Street proposed Redevelopment Project Area (the "RPA", or "Study Area") under the provisions of the Illinois "Tax Increment Allocation Redevelopment Act", Ch. 65 ILCS Section 5/11-74.4-1 *et. seq.* of the Illinois Compiled Statutes, as amended (hereinafter referred to as the "Act"), the City of Elmhurst (the "City") has authorized the study of the RPA in its entirety to determine whether it qualifies for consideration as a Tax Increment Financing District (the "TIF" or "TIF District"). Kane, McKenna and Associates, Inc. ("KMA") has agreed to undertake the study of the RPA.

The RPA is located in the north central portion of the City and consists primarily of commercial and industrial uses, with limited residential and institutional uses. The RPA is a contiguous area the boundaries of which are approximately the parcels on the east and west sides of York Street from the alley south of Hahn Street on the South to North Avenue on the north. The Study Area continues north with frontage parcels located on the east and west sides of York Street from North Avenue on the south to Lake Street on the north. The Study Area continues north along only the east side of York Street from the north side of the I-290 right-of way to Crestview Avenue. At Crestview, the Study Area incorporates parcels on both the east and west sides of York street to Wrightwood Avenue; at Wrightwood, the Study Area includes parcels primarily on the west side of York Street to Grand Ave and four (4) Community Unit School District 205 parcels on the east side of York Street. In order to maximize lot depth from York Street throughout the Study Area, the RPA sometimes incorporates several parcels in addition to those fronting York Street and along the south side of Grand Avenue a total of 8 lots west of York Street are incorporated into the Study Area. Adjacent rights of way are also included.

According to the data available from Du Page County, the Addison Township Assessor's office, and the York Township Assessor's Office the RPA is approximately one hundred twenty seven (127) acres in size excluding rights of way and contains approximately one hundred seventy seven (177) parcels including approximately one hundred fourteen (114) buildings with approximately twenty three (23) residential units. Sixty eight percent (68%) of the structures within the RPA are in excess of thirty-five (35) years in age.

The RPA exhibits characteristics of deterioration, vacancies, and obsolescence that are often indicative of properties that are extended well into their useful lives. As examined in November of 2011, approximately nineteen percent (19%) of the total square footage of existing commercial and industrial structures were vacant (210,600 square feet out of 1,074,000 square feet) according to data from the Addison Township Assessor's Office and the York Township Assessor's Office. Some of these vacancies have existed for several years or more.

Further, because much of the RPA was developed in an era before the City actively practiced modern land use planning, the RPA suffers from adverse impacts associated with a lack of community planning and deleterious land use and layout. The RPA did not have the benefit, over the last several decades, of developing under the guidelines of an economic development plan. The high-level of traffic along the North York Street corridor creates problematic ingress/egress within the RPA and requires the coordination of future parking needs. The RPA is also hindered by a lack of buffering between residential, commercial and industrial uses and the lack of modernized site improvements including internal circulation. Both conditions are further examples of the detrimental effects of unguided development.

The RPA is also hindered by a lack of adequately sized commercial lots in relation to present day planning standards and by inadequate loading and unloading areas due to the size of the lots and the presence of adjacent single family residential lots.

Finally, the growth of the equalized assessed valuation (EAV) of all the properties in the Study Area was found to lag behind the EAV growth of the remainder of the City for four of the last five tax years. The qualification factors discussed within this TIF Qualification Report (the "Report") qualify the RPA as a conservation area, as that term is hereinafter defined pursuant to 65 ILCS 5/11-74.4-3 et. seq., as amended.

Many of the surface improvements within the Study Area were found to have varying degrees of deterioration. Sidewalks, streets, driveways, and parking lots exhibited significant cracking and uneven surfaces. In addition several buildings exhibited missing or cracked mortar, the need for repairs to exterior siding/fascia and frame components.

The City believes that the RPA can be a candidate for redevelopment if the qualification factors discussed in this report are mitigated. Further, the City believes that the use of TIF can mitigate these negative obstacles that currently impede redevelopment. Further from a planning standpoint, the redevelopment of the North York RPA compliments efforts in the Downtown and expands the ability of the City to unify and coordinate efforts along York Street extending north to the City's boundaries.

The City does not plan to dislocate ten (10) or more inhabited residential units as part of this redevelopment effort and the RPA contains less than seventy-five (75) inhabited residential units. As such, pursuant to the Act, as amended, the City is not required to prepare a housing impact study. If at some point in the future, the City dislocates more than ten (10) inhabited residential units, or amends the RPA to include more than seventy-five (75) inhabited residential units then the City must amend this document and complete a housing impact study.

Objectives

The City's redevelopment objectives propose to ameliorate to the extent possible the negative impact of the qualification factors which are prevalent in much of the Study Area and enhance retail, commercial, and mixed use opportunities where appropriate. To achieve these objectives the City proposes the following guidelines:

- To encourage redevelopment within the RPA that will address the piecemeal development practices, older building conditions and vacancies, and attract new land uses which are consistent with the existing uses and provide an enhanced tax base to support the entire City;
- To implement coordinated development/design practices as set forth in the City's Comprehensive Plan;
- To assist site assembly and preparation in order to provide for the reuse of properties for this stated purpose;
- To coordinate area parking facilities and to improve access to site; and
- To install the necessary infrastructure improvements for improved ingress and egress and loading and unloading areas, to add buffering to single family residential uses for the light industrial and retail/commercial areas, and to support proposed new development in accordance with modern planning standards.

The City's general economic development goals are to enhance retail/commercial and mixed use opportunities within the City and the RPA. Given the City's goals as well as the conditions described in this Report, the City has made a determination that it is highly desirable to promote the redevelopment of the RPA. Without an implementation plan for redevelopment, City officials believe current conditions will worsen. The City intends to create and implement such a plan in order to restore, stabilize and increase the economic base associated with the RPA which will not only increase tax revenues associated with the RPA but also benefit the community as a whole.

Because of the conditions observed in the RPA and the required coordination of future land uses, the City enthusiastically supports the foregoing redevelopment objectives. The City has determined that redevelopment should take place through the benefit and guidance of comprehensive planning for economic development controlled by the City. Through this coordinated effort, the RPA is expected to improve. Development barriers, inherent with current conditions within the RPA, which impede economic growth under existing market standards, are expected to be eliminated.

The City has further determined that redevelopment currently planned for the RPA may only be feasible with public finance assistance. The creation and utilization of a TIF redevelopment plan is intended by the City to help provide the assistance required to eliminate conditions detrimental to successful redevelopment of the RPA.

The use of TIF relies upon induced private redevelopment in the RPA creating higher real estate value that would otherwise decline or stagnate without such investment. The result of such investment will lead to increased property taxes compared to the previous land-use (or lack of use). In this way the existing tax base for all tax districts is protected and a portion of future increased taxes are pledged to attract the needed private investment.

II. QUALIFICATION CRITERIA USED

With the assistance of City staff, Kane, McKenna and Associates, Inc. examined the RPA initially in the spring and early summer of 2011 and from October of 2011 to the date of this report, and reviewed information collected for the RPA to determine the presence or absence of appropriate qualifying factors listed in the Act. The relevant sections of the Act are found below.

The Act sets out specific procedures, which must be adhered to in designating a redevelopment project area. By definition, a "Redevelopment Project Area" is:

"an area designated by the municipality, which is not less in the aggregate than 1 ½ acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area or a conservation area, or a combination of both a blighted area and conservation area."

Under the Act, "Conservation Area" is defined as any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which fifty percent (50%) or more of the structures in the area have an age of thirty-five (35) years or more. Such an area is not yet a blighted area, but because of a combination of three (3) or more of the following factors, may be considered as a Conservation Area:

(A) Dilapidation: An advanced state of disrepair or neglect of necessary repairs to the primary structural components of building or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(B) Obsolescence: The condition or process of falling into disuse. Structures have become ill suited for the original use.

(C) Deterioration: With respect to buildings, defects including, but not limited to major defects in the secondary building components such as doors, windows, porches, gutters and downspouts and fascia. With respect to surface improvements, the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking and surface storage areas evidence deterioration, including, but limited to, surface cracking, crumbling, potholes, depressions, loose paving material and weeds protruding through paved surfaces.

(D) Presence of Structures Below Minimum Code Standards: All structures that do not meet the standards of zoning, subdivision, building, fire and other governmental codes applicable to property, but not including housing and property maintenance codes.

(E) Illegal Use of Individual Structures: The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive Vacancies: The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent or duration of the vacancies.

(G) Lack of Ventilation, Light, or Sanitary Facilities: The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refer to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate Utilities: Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines and gas, telephone and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area; (ii) deteriorated, antiquated, obsolete or in disrepair; or (iii) lacking within the redevelopment project area.

(I) Excessive Land Coverage and Overcrowding of Structures and Community Facilities: The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking or inadequate provision for loading service.

(J) Deleterious Land-Use or Layout: The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses or uses considered to be noxious, offensive or unsuitable for the surrounding area.

(K) Environmental Clean-Up: The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for the clean-up of hazardous waste, hazardous substances or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of Community Planning: The Proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards or other evidence demonstrating an absence of effective community planning.

(M) Lag in EAV: The total equalized assessed value of the proposed redevelopment project area has declined for three (3) of the last five (5) calendar years for which information is available, or is increasing at an annual rate that is less than the balance of the municipality for three (3) of the last five (5) calendar years for which information is available, or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for three (3) of the last five (5) calendar years for which information is available.

III. THE PROPOSED RPA

The RPA is located in the north central portion of the City and consists primarily of commercial and industrial uses, with limited residential and institutional uses. The RPA is a contiguous area the boundaries of which are approximately the parcels on the east and west sides of York Street from the alley south of Hahn Street on the South to North Avenue on the north. The Study Area continues north with frontage parcels located on the east and west sides of York Street from North Avenue on the south to Lake Street on the north. The Study Area continues north along only the east side of York Street from the north side of the I-290 right-of way to Crestview Avenue. At Crestview, the Study Area incorporates parcels on both the east and west sides of York street to Wrightwood Avenue; at Wrightwood, the Study Area includes parcels primarily on the west side of York Street to Grand Ave and four (4) Community Unit School District 205 parcels on the east side of York Street. In order to maximize lot depth from York Street throughout the Study Area, the RPA sometimes incorporates several parcels in addition to those fronting York Street and along the south side of Grand Avenue a total of 8 lots west of York Street are incorporated into the Study Area. Adjacent rights of way are also included.

The RPA consists of approximately one hundred fourteen (114) buildings and approximately one hundred seventy seven (177) tax parcels. The RPA is approximately one hundred twenty seven (127) acres in size excluding rights of way and includes approximately twenty three (23) inhabited residential units. The RPA is comprised predominantly of commercial and industrial uses.

The RPA described herein meets the eligibility requirements for designation as a Conservation Area under the Act. All of the parcels were examined to determine the number of structures aged thirty-five (35) years or greater, as required under the Conservation Area criteria of the Act. It was determined by site surveys, Du Page County, Addison Township Assessor, and York Township Assessor data and City input that sixty eight percent (68%) of the structures in the RPA were thirty-five (35) years or greater. Furthermore, the RPA as a whole was found to evidence six (6) additional qualification factors. The minimum required for a finding of a Conservation Area is that over fifty percent (50%) of the improved structures are thirty-five (35) years old or greater and the existence of three (3) qualification factors dictated by the Act.

It was further found that the required qualifying factors are reasonably distributed throughout the RPA. KMA and the City reserve the right to make additional findings in connection with this report prior to the adoption of the TIF District. Thus, the report is subject to revisions to the extent such revisions are allowable prior to any action by the City to adopt the TIF District, as permitted in accordance with the Act.

IV. METHODOLOGY OF EVALUATION

In evaluating the RPA's potential qualification as a TIF District, the following methodology was utilized:

- 1) Site surveys of the RPA were undertaken by representatives from KMA. Site surveys were completed for each parcel within a block (based upon Sidwell blocks), within the area.
- 2) Exterior evaluation of structures was completed noting such conditions as deterioration, obsolescence, excessive vacancies, and deleterious land use and layout. Additionally, 2006 through 2011 tax information from the Du Page County Clerk's Office, Sidwell parcel tax maps, site data, local history (discussions with City officials and staff), and an evaluation of area-wide factors that have affected the RPA's development (e.g., lack of community planning, and lag in equalized assessed value) were reviewed. KMA studied the RPA in its entirety. City redevelopment goals and objectives for the RPA were also reviewed with City staff. A photographic recording and analysis of the RPA was conducted and was used to aid this evaluation.
- 3) Existing structures and site conditions were initially surveyed only in the context of checking, to the best and most reasonable extent available, qualification factors of specific structures and site conditions on the parcels.
- 4) The RPA was examined to determine the applicability of age, plus the thirteen (13) other qualification factors for TIF designation as a Conservation Area under the Act. Evaluation was made by reviewing the information from the site surveys and other relevant information collected for the RPA and determining how it measured when evaluated against the qualification factors.

V. QUALIFICATION OF PROPOSED RPA/FINDINGS OF ELIGIBILITY

Based upon KMA's evaluation of parcels in the Study Area and analysis of each of the eligibility factors summarized in Section II, the following factors are present to support qualification of the proposed TIF District as a Conservation Area. These factors are found to be clearly present and reasonably distributed throughout the Study Area, as required under the TIF Act. In addition to age at least three other qualifying factors must be present to a meaningful extent throughout the RPA.

A. Threshold Qualification

Age. Based upon site surveys; and Du Page County, Addison Township, and York Township data, approximately sixty eight percent (68%) (approximately 78 of the 114) of the structures in the RPA were found to be thirty-five (35) years of age or older.

B. Other Conservation Factors (must include three or more factors)

1. Obsolescence. The Act states that obsolescence is the condition or process of falling into disuse or structures that have become "ill-suited" for their original use. The RPA exhibits both functional and economic obsolescence.

Obsolescence is exhibited in part by a number of the retail/commercial tenant spaces which are currently vacant. Age of the existing structures adds to this finding as well as the fact that most tenant spaces along York Street lack adequate access for separate loading and unloading areas and adequate parking. Generally, the existing loading and unloading activities are currently combined with the ingress and egress of customers due to shallow lot sizes or requirements for parking. Multiple curb cuts are present along the Study Area; this condition increases the likelihood of slowing traffic flow on York Street as well as increased accidents.

York Street between Grand Avenue and I-290 generates an average daily traffic count of 23,000 vehicles and between I-290 and North Avenue an average daily traffic count of 18,300 vehicles according to the most recent data posted by the Illinois Department of Transportation on its website. This is one of the highest traffic counts within the City. In 2010 there were 129 vehicle accidents along York Street in the RPA.

The combination of the above referenced factors could limit the ability of mid to large size retailers from locating in the corridor. The combination of potential sites for redevelopment could help to alleviate these concerns, in conjunction with traffic circulation improvements potentially financed with incremental revenues.

Obsolescence is also demonstrated by higher than average vacancy rates, the age of structures, and the lag in the growth of EAV for the Study Area when compared with the rest of the City (each of these factors is discussed separately below). This condition also has the potential to cause a negative spill over for the surrounding area and may deter other property owners from reinvesting in their own properties.

2. Deterioration. The Act defines deterioration with respect to buildings defects, including but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts and fascia. With respect to surface improvements, the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking and surface storage areas may evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material and weeds protruding through paved surfaces.

Approximately fifty four percent (54%) of the parcels displayed signs of deteriorated conditions including, but not limited to, damaged fascias, doors, windows, and entryways, rotting wood, and missing mortar which require repairs, upgrades and replacement. In addition, surface cracking of pavement areas, potholes and depressions in roadway and parking areas, weeds protruding through paved and concrete areas and loose gravel in parking areas and driveways for many of the parcels.

3. Excessive Vacancies. The Act defines excessive vacancies as the presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent or duration of the vacancies.

The Study Area contains one hundred fourteen (114) structures. Approximately twenty four (24) commercial and industrial buildings were vacant or partially vacant including approximately 210,600 square feet or nineteen percent (19%) of total commercial and industrial building square footage. Two of the vacancies (former auto related uses) are prominently located and comprise approximately 9.6 acres. Other vacancies are scattered throughout the area, but again are located along highly travelled York Street.

Prominent buildings within the TIF District that are completely or largely vacant include the following:

- The former Elmhurst Ford dealership;
- The former Elmhurst Lincoln Mercury dealership;
- The former AT&T store;
- Vacant restaurant at 476 N. York St.;
- Vacant auto related use at 856 N. York St.;
- Interspersed vacancies associated with office buildings and retail strip outlets; and
- Office space located on Industrial Drive (west of York Street)

Moreover, the buildings have been unoccupied for a lengthy duration; that is, they do not appear to be recently vacated pending a routine real estate transaction, but according to City staff, they have remained unoccupied for a substantial period of time.

In addition, the larger vacant buildings and adjacent surface improvements generally exhibit deterioration and appear to be not well maintained as occupied spaces within the Study Area. They appear to suffer from disinvestment whereby the current owners have chosen not to maintain the buildings' physical condition, in relative terms. Because of

the reduced economic activity associated with vacancies and the relatively poor physical condition – in conjunction with their prominent location along York Street or Grand Avenue, they represent an adverse influence on the overall RPA.

4. Deleterious Land Use or Layout. The Act refers to deleterious land use or layout as the existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses or uses considered to be noxious, offensive or unsuitable for the surrounding area.

According to Du Page County, Addison Township Assessor, and York Township Assessor records and discussions with City staff, many of the improvements found within the Study Area were built between 40 to 70 years ago. This applies to more than fifty two percent (52%) of the buildings in the area. As a result, these properties were developed during a period before the City had in place an effective community planning process to guide its zoning map and development procedures. Properties were developed with little regard to adjacent land uses, and without foresight into the intensity of commercial operations present today, in part due to the importance of automobile traffic and the need for sufficient parking. Thus, in terms of land uses, commercial, retail, industrial, and residential uses in some cases inappropriately overlap, when compared to the modern land use standards currently employed by the City, or exist in close proximity to each other with limited man made or natural buffers to separate the conflicting land uses. There are instances of single family and attached single family uses located along both York Street and Addison Street.

Additionally, there are certain issues pertaining to ingress/egress. Many of the retail businesses and offices along north York Street have little space for ingress/egress, much less “transitional” frontage roads that would separate slower moving traffic approaching a business (e.g., to park and shop or unload cargo) from faster moving traffic using north York Street purely to drive through the City. A majority of the businesses have shallow parcel depths that do not afford much room for loading, unloading, or parking, in comparison to modern uses. Additionally, the execution of turns into retail establishments is difficult since (a) vehicles have to slow rapidly to execute the turn, (b) turns need to be made into a tight space due the narrow/shallow parking lots and (c) entering the parking lot areas customers need to avoid closely situated cars already parked in the narrow lots (or which may be backing up to leave the store).

5. Lack of Community Planning. The Act refers to lack of community planning as the proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area’s development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards or other evidence demonstrating an absence of effective community planning.

According to City staff, much of the development that has occurred within the Study Area took place in a period of time prior to the City adopting its amended Comprehensive Plan and Zoning Ordinance and before the City followed its existing comprehensive planning procedures.

The City adopted its first city wide comprehensive plan in 1990, followed by a comprehensive amendment to its zoning ordinance in 1992. Prior to 1990, smaller scale or area specific plans were in place to guide development on a less coordinated, comprehensive basis. In 2009, the City updated the 1990 comprehensive plan and this effort serves as the basis for coordinated planning within the City. The Zoning Ordinance has also been amended several times.

The widening of York Street north of North Avenue to four lanes extending to Grand Avenue significantly altered the character of land uses adjacent to York Street in this area. Most previous land uses were comprised of single family uses south of I-290. These uses exhibited shallower lot sizes of primarily 130 foot lot depths bordered by primarily single family uses north to the expressway, and extending along the east side of York Street to Wrightwood Avenue. In some cases lot sizes are deeper (260 ft.) but most lots are restricted by adjacent single family residential uses.

Reuse to primarily commercial and retail land uses on smaller lots resulted in a multiplicity of commercial structures (restaurants, office/service establishments, strip centers, auto related uses) that benefited from traffic and visibility along York Street. The new uses though created pressure in relation to provisions for parking, multiple curb cuts, and buffering to adjacent residential uses (e.g., screening of trash receptacles, loading and unloading requirements, and building setbacks). Building setbacks are varied and in many cases limit parking availability as off street parking along York Street is restricted. Conversions of single family buildings to commercial uses are also present and represent uses with limited parking.

In contrast to the shallower lots described above, commercial properties located along the west side of York Street north of I-290 and approaching Grand Avenue exhibit larger footprints and deeper lot sizes. Due to the downturn in the auto industry, several large properties (the former Elmhurst Ford and Lincoln/Mercury dealerships) remain vacant. Other uses such as the moving/storage facility and Freightliner parcels, represent frontage development or "outliers" in relation to similar industrial uses located to the west. These uses are categorized by larger, special use buildings and ancillary storage yards. Given York Street visibility, these uses are not the most favorable in relation to valuation or sales tax generation.

Land uses north of Wrightwood Avenue to Diversey revert to smaller (130 ft) lot depths, again exhibiting multiple uses - restaurants, office, and auto related (rental, sales, repair). The land uses north of Diversey include deeper lot depths, but include older buildings and varied provisions for parking.

The North York area is reviewed in the City's 2009 Comprehensive Plan and the following recommendations are identified:

"Urban Design and Circulation

Streetscape improvements should be implemented along both Grand Avenue and North York Street to enhance their overall appearance and create a distinctive identity.

Because of their high traffic volumes and the strong auto-oriented functions, both Grand Avenue and North York Street will continue to have an auto-oriented character in the future. However, improvements such as coordinated signage, landscaping and decorative banners could significantly improve the appearance of the corridor, creating a more attractive environments for potential shoppers and an impressive entry into the city.

New developments along the corridor should focus on creating a high-quality commercial corridor, with parking located to the rear and attractive façade designs and use of high-quality materials encouraged.

Recommendations

1. Maintain auto-oriented uses along Grand Avenue. The City should work with the auto dealers to meet expansion and redevelopment needs.
2. Transition neighborhood commercial uses along York Street to community or regional commercial uses. Off-street surface parking should be provided to the rear of buildings.
3. Transition residential development on the southeast corner of Grand Avenue and York Street to higher-density residential development over three stories.
4. Follow the process for Planned Developments in site reuse/redevelopment of PD #1 (to be developed by the City) to encourage redevelopment of this area to occur in a cohesive manner. Suggested redevelopment uses include large format retailers.
5. Implement a streetscape program to create a pedestrian-welcome environment, as well as produce a unified image and distinctive identity for the district.
6. Construct gateway features on Grand Avenue and York Street to visually cue entrance into Elmhurst."

Source: City of Elmhurst Comprehensive Plan

In addition, planning related efforts along Addison Street (mixture of residential, industrial and commercial uses) and integration with frontage along York Street is important in order to coordinate redevelopment efforts, and potentially increase valuations. Coordinated streetscape, signage, parking, and circulation efforts are also important throughout the area and could be facilitated through the use of TIF resources.

Until recently, effective and sustained economic development plans and strategies intended to address the coordinated redevelopment of the entire Study Area have been lacking. This is not to say that improvements did not take place over the years, but that they were implemented without the guidance of a master plan directed toward long-term benefit for the Study Area as set forth in the updated City Comprehensive Plan. A lack of such efforts has contributed to the evolution of conservation area factors currently present within the Study Area. As noted above fifty two (52%) of the buildings were constructed between forty (40) and seventy (70) years ago prior to both the 1990 and 2009 comprehensive plan initiatives.

6. Lag in EAV. The Act refers to lag in EAV as the total equalized assessed value of the proposed redevelopment project area has declined for three (3) of the last five (5) calendar years prior to the year in which the redevelopment project area is designated, or is increasing at an annual rate that is less than the balance of the municipality for three (3) of the last five (5) calendar years, for which information is available or increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for three (3) of the last five (5) calendar years prior to the year in which the redevelopment project area is designated

The total Equalized Assessed Value (“EAV”) of the Study Area increased at an annual rate that lagged behind the balance of the City’s EAV for four (4) of the last five (5) years. A summary of this analysis is presented in the table below.

Tax Year	Study Area EAV	Percent Change	Balance of the City's EAV	Percent Change
2011	\$ 31,933,850	-1.01%	\$ 2,121,863,163	-5.56%
2010	\$ 32,259,210	-10.77%	\$ 2,246,885,156	-7.38%
2009	\$ 36,152,040	-2.49%	\$ 2,425,800,963	.14%
2008	\$ 37,074,510	5.78%	\$ 2,422,316,362	9.15%
2007	\$ 35,048,420	-2.28%	\$ 2,219,260,243	11.23%
2006	\$ 35,867,880	--	\$ 1,955,153,915	--

Note: the percentage change in years where the EAV of the Study Area lagged behind the balance of the City are in bold.

Source: Du Page County Assessor’s Office

VI. SUMMARY OF FINDINGS AND OVERALL ASSESSMENT OF QUALIFICATION

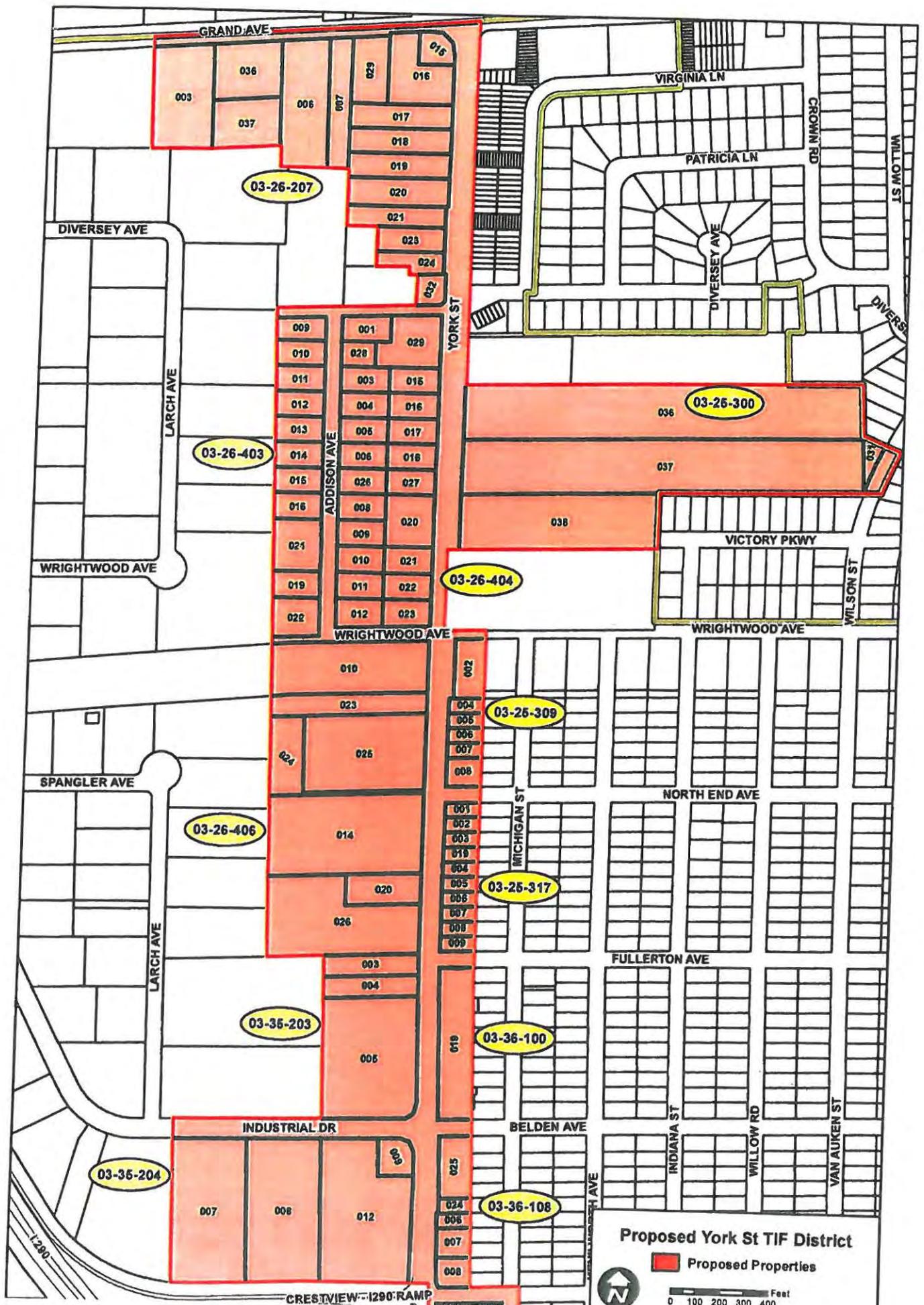
The following is a summary of relevant qualification findings as it relates to the potential designation of the RPA by the City as a TIF District:

1. The RPA is contiguous and is greater than 1½ acres in size.
2. The RPA qualifies as a Conservation Area. A more detailed analysis of the qualification findings is outlined in Section V of this report.
3. All property in the RPA would substantially benefit by the proposed redevelopment project improvements.
4. The sound growth of taxing districts applicable to the RPA, including the City, has been impaired by the factors found present in the RPA.
5. The RPA would not be subject to redevelopment without the investment of public funds, including property tax increments.

These findings, in the judgment of KMA, provide the City with sufficient justification to consider designation of the RPA as a TIF District.

The RPA has not benefited from coordinated planning efforts by either the public or private sectors. There is a need to focus redevelopment efforts relating to the improvement of infrastructure and property maintenance as well as the coordination of redevelopment efforts for modern uses. These efforts will be important to the RPA's continued improvement and preservation of tax base.

EXHIBIT 1
PROPOSED TIF BOUNDARY MAP



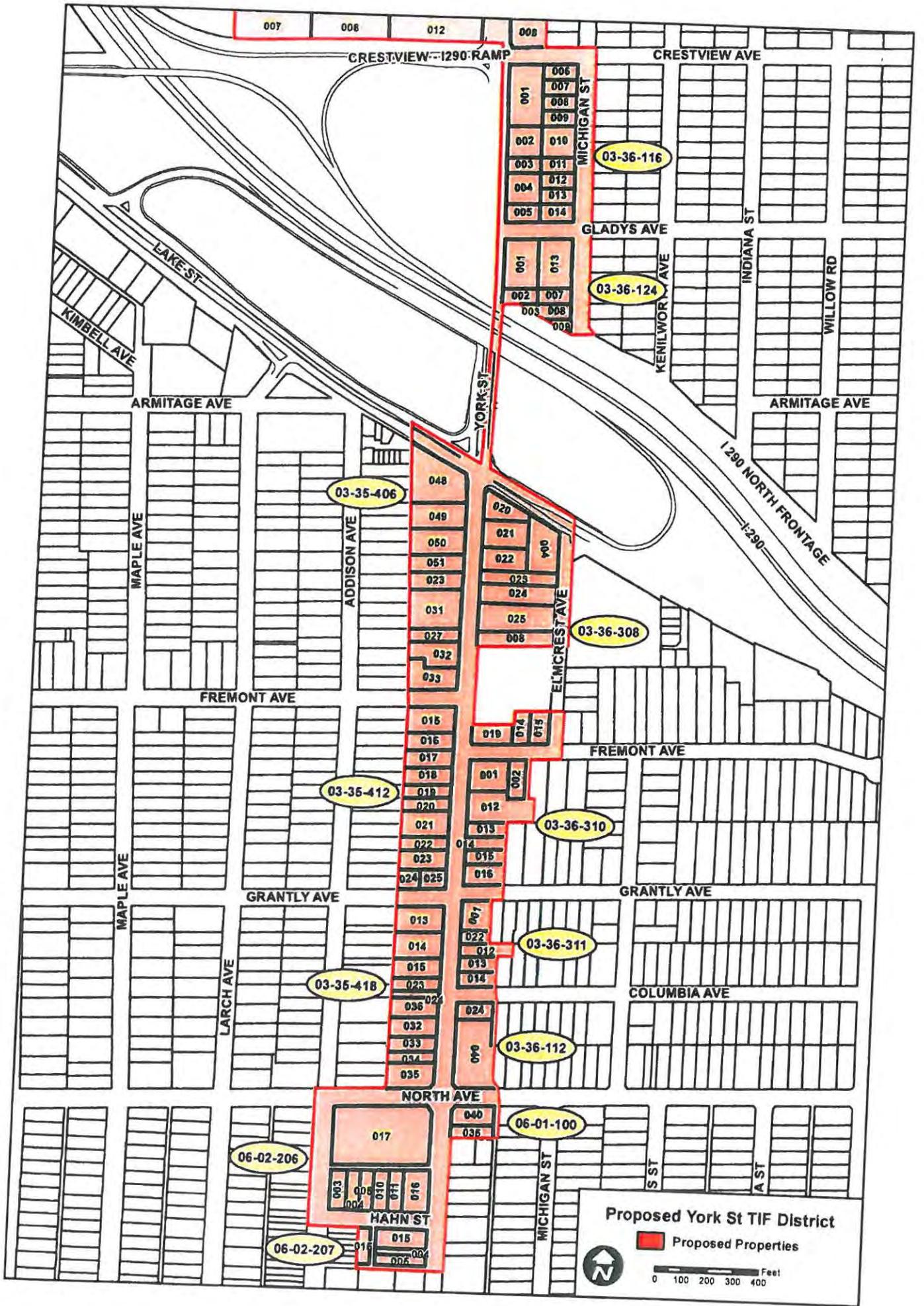


EXHIBIT 2
LEGAL DESCRIPTION

Elmhurst North York Street TIF Legal Description

That part of Sections 25, 26, 35 and 36 of Township 40 North, Range 11, East of the Third Principal Meridian and Sections 1 and 2 of Township 39 North, Range 11, East of the Third Principal Meridian described as commencing at the intersection of the Northerly corporate boundary of Elmhurst, said Northerly boundary being the centerline of Grand Avenue, with the Westerly lot line, extended north, of Lot 75 in Elmhurst Industrial Park Unit No. 2, recorded as Document R65-24614 on July 9, 1965, for a place of beginning, thence Easterly along said centerline of Grand Avenue to the Easterly right-of-way line of York Street, thence Southerly along said Easterly right-of-way line to the North line of Lot 2 of York Gardens, recorded as Document 456519 on December 3, 1943, thence Easterly along said North lot line to the East line of said Lot 2, thence Southerly along said East line to the Northwest corner of Lot 11 in Block 3 of Country Club Highlands Subdivision Unit 3, recorded as Document 877616 on April 25, 1958, thence Southeasterly along the Northerly line of said Lot 11, extended, to the Easterly right-of-way line of Wilson Street, thence Southwesterly along said Easterly right-of-way line to its intersection with the North line, extended Easterly, of Lots 12 through 24, inclusive, in Block 3 of said Country Club Highlands Subdivision Unit 3, thence Westerly along said North line to the West Line of said Lot 24, thence Southerly along said West line, extended, to the South line of Lot 4 in said York Gardens, thence Westerly along said South line to the Easterly right-of-way line of York Street, thence Southerly along said Easterly right-of-way to the South lot line of York Meadows Condominiums, recorded as Document R80-05482 on January 22, 1980, thence Easterly along said South lot line to the East lot line, extended Northerly, of Lot 20 in Block 12 of H.O. Stone and Co.'s Elmhurst Addition, recorded as Document 161539 on December 20, 1922, thence Southerly along said East lot line, extended, to the South lot line of Lot 10 in Block 37 of said H.O. Stone and Co.'s Elmhurst Addition, said South lot line being the North right-of-way of Crestview Avenue, thence Easterly along said North right-of-way line to the East right-of-way line of Michigan Street, thence Southerly along said East right-of-way line to the South lot line of Lot 15 in Block 54 of said H.O. Stone and Co.'s Elmhurst Addition, thence generally Westerly along the Northerly right-of-way line of Interstate 290 to the East right-of-way line of York Street, thence Southerly along said East right-of-way line to the Northerly right-of-way line of Lake Street, thence Southeasterly along said Northerly right-of-way line to the East right-of-way line, extended Northerly, of Elmcrest Avenue, thence Southerly along said East right-of-way line to the North line, extended Easterly, of Lot 5 in Block 1 of Robertson's Addition to Elmhurst, recorded as Document 92032 on October 30, 1907, thence Westerly along said North lot line to the East right-of-way line of York Street, thence Southerly along said East right-of-way line 300 feet, thence Easterly 155 feet, thence Northerly 50 feet to the North line of Lot 7 in Block 1 of said Robertson's Addition to Elmhurst, thence Easterly along said lot line, extended, to the East right-of-way line of Elmcrest Avenue, thence Southerly along said East right-of-way line and right-of-way line extended, to the South right-of-way line of Fremont Avenue, thence Westerly along said South right-of-way line 120 feet to the west line of the east 25 feet of lot 2 in Owners division of Block 2 of Robertsons Addition to Elmhurst, recorded as Document 258941 on June 4, 1928, thence Southerly along said west line 150 feet to the south line of lot 2, , thence Easterly along said line 25 feet to the southeast corner of lot 2, thence Southerly 90 feet along the west line of the east 50 feet of lot 5 to a point on the North line of Robertson's Second Addition to Elmhurst, recorded as Document 95683 on January 20, 1909, said point being 250 feet East of the Northwest corner of said Robertson's Second Addition to Elmhurst, thence Westerly along said North line to the East line of Lot 49 in said Robertson's Second Addition to Elmhurst, thence Southerly along said East lot line, extended, to the North line of Paul J. Lowe Resubdivision, recorded as Document R96-024157 on February 14, 1996, thence Westerly 42 feet to the northwest corner of lot 1, thence Southerly along the west line 165

feet to the south west corner lot 1, thence Easterly along south line 92 feet in said Paul J. Lowe Resubdivision to the East line of Lot 26 in said Robertson's Second Addition to Elmhurst, thence Southerly along said lot line 50 feet to the North line of the Resubdivision of Robertson's Second Addition to Elmhurst, recorded as Document 111786 on April 23, 1913, thence Westerly along said North line to the West line of Lot 11 in said Resubdivision, thence Southerly along said West line to the North right-of-way line of Columbia Avenue, thence Southeasterly to the Northwest corner of Lot 7 in said Resubdivision, thence Southerly 296.75 feet along the West line of Lots 7 and 8 in said Resubdivision, thence Southeasterly 38.83 feet to a point on the Northerly right-of-way line of North Avenue, said point being 22 feet Easterly of the Southwest corner of said Lot 8, thence Southeasterly to the Northwest corner of Lot 30 in Block 1 of Fairview Addition to Elmhurst, recorded as Document 110851 on February 7, 1913, thence Southerly along the West line of Lots 30 and 29 in said Block 1 to the South line, extended Easterly, of Lot 2 in said Block 1 of Fairview Addition, thence Westerly along said South line, and South line extended, to the East right-of-way line of York Street, thence Southerly along said East right-of-way line to the North line, extended Easterly, of Lot 25 in Hahn's Subdivision, recorded as Document 47483 on December 8, 1891, thence Westerly along said North lot line, extended, to the West line, extended Southerly, of Lot 16 in said Hahn's Subdivision, thence Northerly along said West lot line to the South right-of-way line of Hahn Street, thence Westerly along said South right-of-way line, extended, to the West right-of-way line of Addison Avenue, thence Northerly along said West right-of-way line to the Northerly right-of-way line of North Avenue, thence Easterly along said North right-of-way to the West line of Lot 7 in Block 1 of Albert D. Graue's Subdivision of North Elmhurst, recorded as Document 86803 on February 23, 1906, thence Northerly along said West line of Lot 7, extended, to the South right-of-way line of Fremont Avenue, thence Northwesterly to the Southwest corner of Lot 9 in North Elmhurst Third Addition to the Village of Elmhurst, recorded as Document 97862 on August 9, 1909, thence Northerly along the west line of Lots 9 and 8 of said North Elmhurst Third Addition to the Southwest corner of Lot 5 of "County Clerk's Assessment Division of Lots 1 and 2 of the Plat of North Elmhurst Third Addition to the Village of Elmhurst", recorded as Document 233179 on April 8, 1927, thence Northerly along the West line, and West line extended, of Lots 1 through 5, inclusive, in said County Clerk's Assessment Division to the Northerly right-of-way line of Lake Street, thence Southeasterly along said Northerly right-of-way line to the West right-of-way line of York Street, thence Northerly along said West right-of-way line to the South line of Elmhurst Industrial Park Unit No. 1, recorded as Document R65-2240 on January 22, 1965, thence Westerly along said South line to the West line of Lot 7 in said Elmhurst Industrial Park Unit No. 1, thence Northerly along said West lot line, extended, to the North right-of-way line of Industrial Drive, thence Easterly along said right-of-way line to the East line of Lot 31 in said Elmhurst Industrial Park Unit No. 1, thence Northerly along the East line of Lots 31 and 27 in said Elmhurst Industrial Park Unit No. 1 to the North line of said Lot 27, thence Westerly along said North line to the East line of Lot 26 in said Elmhurst Industrial Park Unit No. 1, thence Northerly along said East line, extended, to the Northeast corner of Lot 22 in said Elmhurst Industrial Park Unit No. 1, thence Northerly to the Southwest corner of York Grand Estates Unit Number One, recorded as Document 426473 on July 23, 1941, thence Northerly along the West line of said York Grand Estates Unit Number One, extended, to the Southwest corner of Lot 2 of Klefstad's Elmhurst Subdivision, recorded as Document R93-172175 on August 4, 1993, thence Easterly 266.01 feet to the Southeast corner of said Lot 2, thence continuing Easterly 292.27 feet along the South line of Lot 23 in Addison Township Supervisors Assessment Plat No.5, recorded as Document 465944 on August 9, 1944, thence Northerly to a point on the South line of Peter's 2nd Subdivision, recorded as Document R69-11385 on March 18, 1969, thence Westerly along said South line 33 feet, thence Northerly 33.75 feet, thence Westerly 134.35 feet to the Southwest corner of said Peter's 2nd Subdivision, thence Northerly along the West line of said Subdivision 161.76 feet to the North Line of Peter's Subdivision, recorded as Document R68-41940 on September 11, 1968, thence Westerly along said North line 124.78 feet to the

East line of said Lot 2 in said Klefstad's Elmhurst Subdivision, thence Northerly along said East line of Lot 2 233.96 feet to the Northeast corner of said Lot, thence West along the North line 277.13 feet to the most Westerly East line of Lot 1, thence North along the East line to the Northwest corner of Lot 1, thence West along the North line 275 feet to the Southeast corner of Lot 75 in said Elmhurst Industrial Park Unit No. 2, thence Westerly on the South line to the Southwest corner of said Lot 75, thence Northerly along the West line, and West line extended, of said Lot 75 to the place of beginning, all in DuPage County, Illinois.

Revised 06/01/12

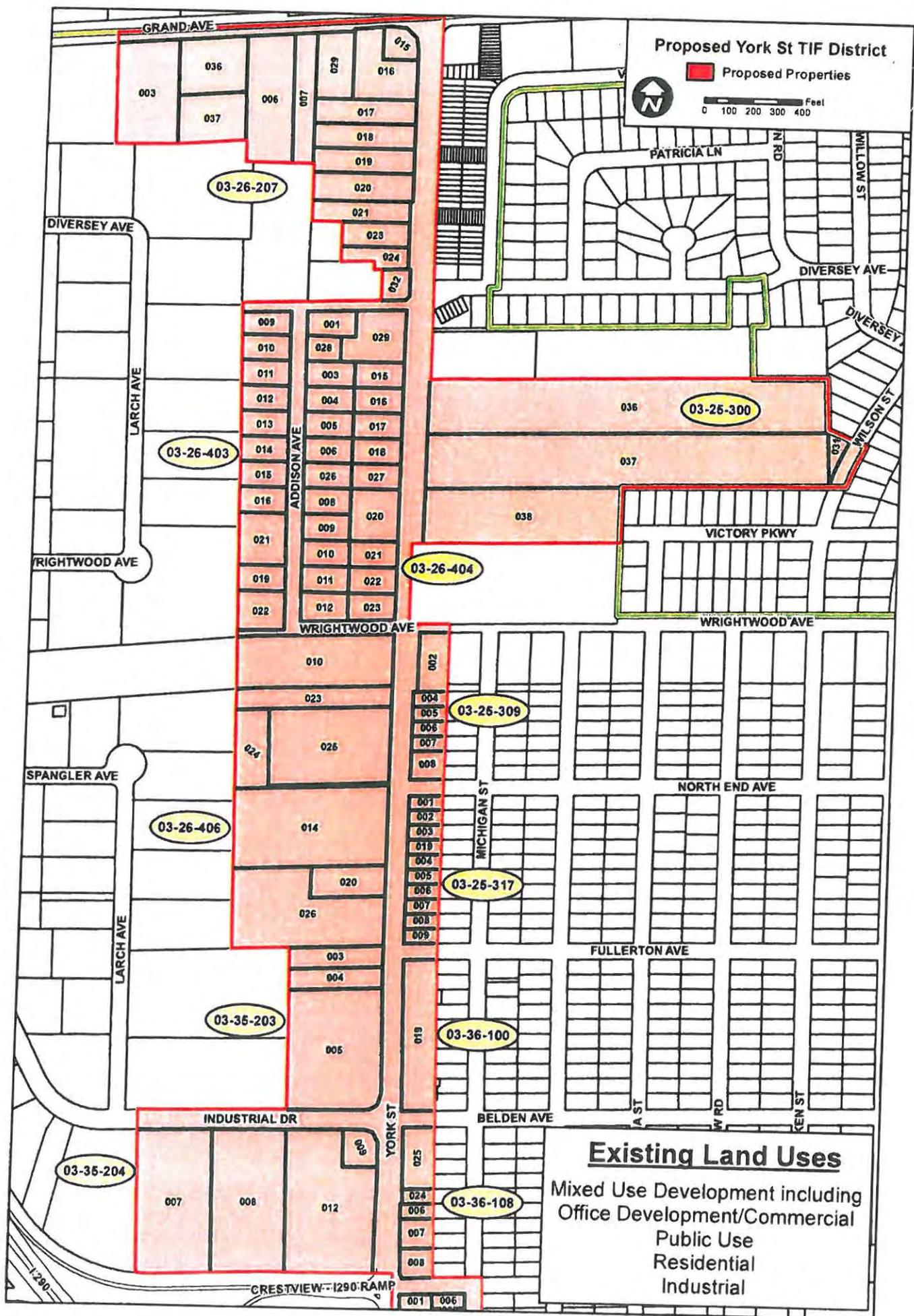
EXHIBIT D
EXISTING LAND USE MAP

Proposed York St TIF District

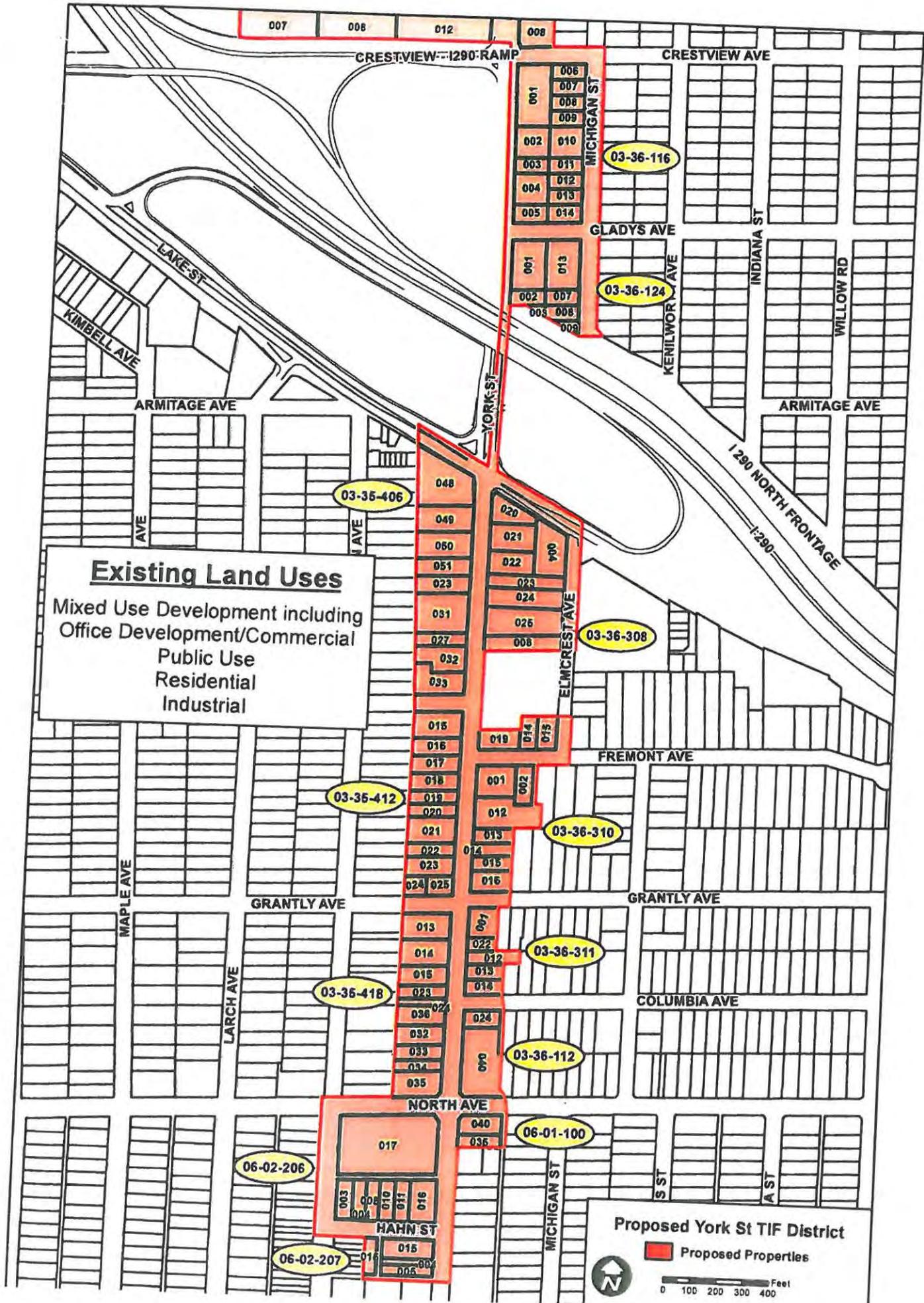
Proposed Properties



0 100 200 300 400 Feet



Existing Land Uses
Mixed Use Development including
Office Development/Commercial
Public Use
Residential
Industrial



Existing Land Uses
 Mixed Use Development including
 Office Development/Commercial
 Public Use
 Residential
 Industrial

Proposed York St TIF District

Proposed Properties




007 008 012 008

CRESTVIEW--I290 RAMP

CRESTVIEW AVE

03-36-116

03-36-124

03-35-406

03-36-308

03-35-412

03-36-310

03-35-418

03-36-311

03-36-112

06-02-206

06-01-100

06-02-207

LAKE ST
 KIMBELL AVE
 ARMITAGE AVE
 AVE

MICHIGAN ST
 001 006
 007 008
 009 010
 002 011
 003 012
 004 013
 005 014

GLADYS AVE

KENILWORTH AVE
 INDIANA ST
 WILLOW RD

I-290 NORTH FRONTAGE
 I-290

ARMITAGE AVE

ARMITAGE AVE

048

049

050

051

023

031

027

032

033

015

016

017

018

019

020

021

022

023

024

013

014

015

023

036

032

033

034

035

020

021

022

023

024

025

008

018

014

015

001

002

012

013

014

015

016

001

022

012

013

014

024

090

040

035

NORTH AVE

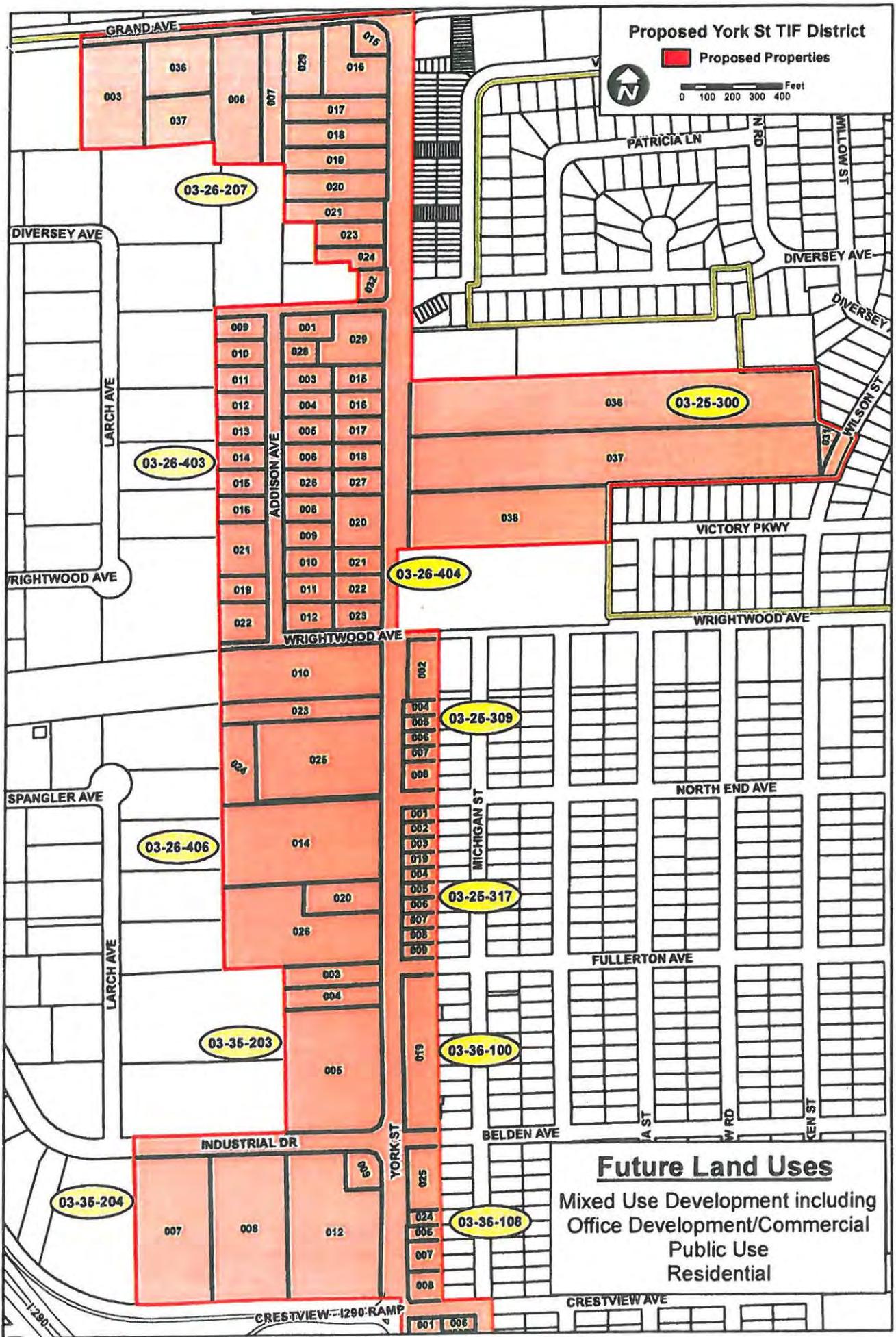
HAHN ST

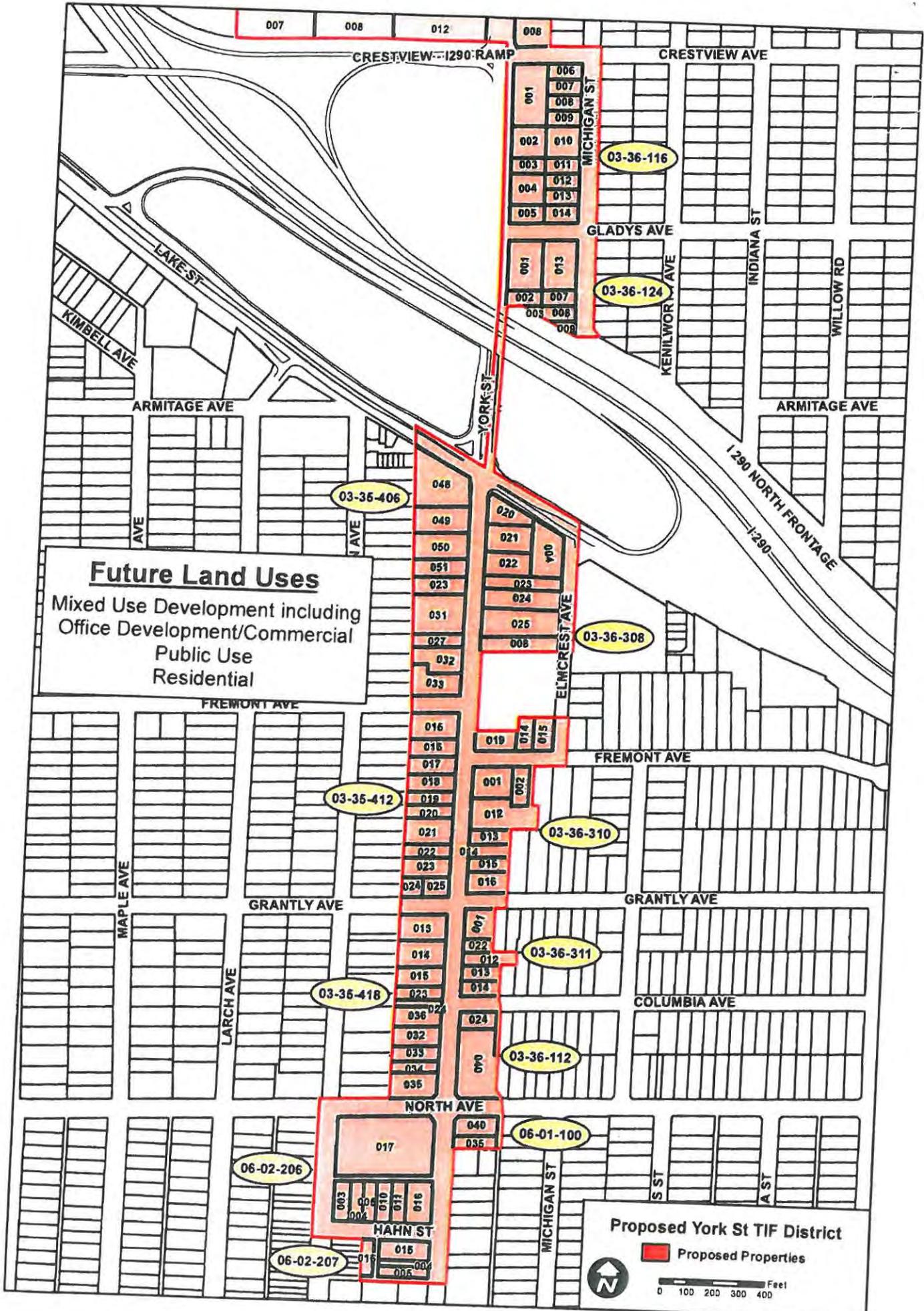
MICHIGAN ST

S ST

A ST

EXHIBIT E
PROPOSED LAND USE MAP





Future Land Uses
 Mixed Use Development including
 Office Development/Commercial
 Public Use
 Residential

Proposed York St TIF District

- Proposed Properties

0 100 200 300 400 Feet

FILED

SEP 18 2012

Angie A. Kelly
DuPage County Clerk

O-51-2012

**AN ORDINANCE OF THE CITY OF ELMHURST,
DUPAGE AND COOK COUNTIES, ILLINOIS, DESIGNATING THE NORTH YORK STREET
REDEVELOPMENT PROJECT
AREA OF SAID CITY A REDEVELOPMENT PROJECT AREA
PURSUANT TO THE TAX INCREMENT ALLOCATION REDEVELOPMENT ACT**

WHEREAS, it is desirable and in the best interest of the citizens of the City of Elmhurst, DuPage and Cook Counties, Illinois (the "City"), for the City to implement tax increment allocation financing pursuant to the Tax Increment Allocation Redevelopment Act, Division 74.4 of Article 11 of the Illinois Municipal Code, as amended (the "Act"), for a proposed redevelopment plan and redevelopment project (the "Plan and Project") within the municipal boundaries of the City and within a proposed redevelopment project area (the "Area") described in Section 1 of this Ordinance; and

WHEREAS, the Mayor and City Council of the City ("the Corporate Authorities") have heretofore by ordinance approved the Plan and Project, which Plan and Project were identified in such ordinance and were the subject, along with the Area designation hereinafter made, of a public hearing held on August 6, 2012, and it is now necessary and desirable to designate the Area as a redevelopment project area pursuant to the Act.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Elmhurst, DuPage and Cook Counties, Illinois, as follows:

Section 1. **Area Designated.** That the Area, as legally described in Exhibit A attached hereto and incorporated herein as if set out in full by this reference, is hereby designated as a redevelopment project area pursuant to Section 11-74.4-4 of the Act. The general street location for the Area is described in Exhibit B attached hereto and incorporated herein as if set out in full by this reference. The map of the Area is depicted on Exhibit C attached hereto and incorporated herein as if set out in full by this reference.

Section 2. **Invalidity of Any Section.** That if any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 3. Superseder and Effective Date. That all ordinances, resolutions, motions, or orders in conflict herewith shall be, and the same hereby are, repealed to the extent of such conflict, and this Ordinance shall be in full force and effect immediately upon its passage and approval in the manner provided by law.

ADOPTED this 4th day of September, 2012, pursuant to a roll call vote as follows:

AYES: 11

NAYS: 1

ABSENT: 2

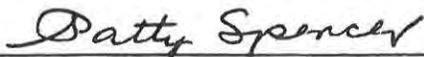
ABSTENTION: _____

APPROVED by me this 4th day of September, 2012.



Peter P. DiCianni III, Mayor of the City of
Elmhurst, DuPage and Cook Counties, Illinois

ATTESTED and filed in my office,
this 4th day of September, 2012.



Patty Spencer, Clerk of the City of Elmhurst,
DuPage and Cook Counties, Illinois

FILED

SEP 18 2012


DuPage County Clerk

COUNCIL ACTION SUMMARY

SUBJECT: An Ordinance of the City of Elmhurst, DuPage and Cook Counties, Illinois, Designating the North York Street Redevelopment Project Area of Said City a Redevelopment Project Area Pursuant to the Tax Increment Allocation Redevelopment Act

ORIGINATOR: City Manager/City Attorney

DESCRIPTION OF SUBJECT MATTER:

The attached Ordinance designates the boundaries of the North York Street Tax Increment Financing District. This Ordinance is the second of three ordinances which must be adopted by the City Council in order to establish the North York Street Tax Increment Financing District.

EXHIBIT A

Legal Description

That part of Sections 25, 26, 35 and 36 of Township 40 North, Range 11, East of the Third Principal Meridian and Sections 1 and 2 of Township 39 North, Range 11, East of the Third Principal Meridian described as commencing at the intersection of the Northerly corporate boundary of Elmhurst, said Northerly boundary being the centerline of Grand Avenue, with the Westerly lot line, extended north, of Lot 75 in Elmhurst Industrial Park Unit No. 2, recorded as Document R65-24614 on July 9, 1965, for a place of beginning, thence Easterly along said centerline of Grand Avenue to the Easterly right-of-way line of York Street, thence Southerly along said Easterly right-of-way line to the North line of Lot 2 of York Gardens, recorded as Document 456519 on December 3, 1943, thence Easterly along said North lot line to the East line of said Lot 2, thence Southerly along said East line to the Northwest corner of Lot 11 in Block 3 of Country Club Highlands Subdivision Unit 3, recorded as Document 877616 on April 25, 1958, thence Southeasterly along the Northerly line of said Lot 11, extended, to the Easterly right-of-way line of Wilson Street, thence Southwesterly along said Easterly right-of-way line to its intersection with the North line, extended Easterly, of Lots 12 through 24, inclusive, in Block 3 of said Country Club Highlands Subdivision Unit 3, thence Westerly along said North line to the West Line of said Lot 24, thence Southerly along said West line, extended, to the South line of Lot 4 in said York Gardens, thence Westerly along said South line to the Easterly right-of-way line of York Street, thence Southerly along said Easterly right-of-way to the South lot line of York Meadows Condominiums, recorded as Document R80-05482 on January 22, 1980, thence Easterly along said South lot line to the East lot line, extended Northerly, of Lot 20 in Block 12 of H.O. Stone and Co.'s Elmhurst Addition, recorded as Document 161539 on December 20, 1922, thence Southerly along said East lot line, extended, to the South lot line of Lot 10 in Block 37 of said H.O. Stone and Co.'s Elmhurst Addition, said South lot line being the North right-of-way of Crestview Avenue, thence Easterly along said North right-of-way line to the East right-of-way line of Michigan Street, thence Southerly along said East right-of-way line to the South lot line of Lot 15 in Block 54 of said H.O. Stone and Co.'s Elmhurst Addition, thence generally Westerly along the Northerly right-of-way line of Interstate 290 to the East right-of-way line of York Street, thence Southerly along said East right-of-way line to the Northerly right-of-way line of Lake Street, thence Southeasterly along said Northerly right-of-way line to the East right-of-way line, extended Northerly, of Elmcrest Avenue, thence Southerly along said East right-of-way line to the North line, extended Easterly, of Lot 5 in Block 1 of Robertson's Addition to Elmhurst, recorded as Document 92032 on October 30, 1907, thence Westerly along said North lot line to the East right-of-way line of York Street, thence Southerly along said East right-of-way line 300 feet, thence Easterly 155 feet, thence Northerly 50 feet to the North line of Lot 7 in Block 1 of said Robertson's Addition to Elmhurst, thence Easterly along said lot line, extended, to the East right-of-way line of Elmcrest Avenue, thence Southerly along said East right-of-way line and right-of-way line extended, to the South right-of-way line of Fremont Avenue, thence Westerly along said South right-of-way line 120 feet to the west line of the east 25 feet of lot 2 in Owners division of Block 2 of Robertsons Addition to Elmhurst, recorded as Document 258941 on June 4, 1928, thence Southerly along said west line 150 feet to the south line of lot 2, , thence Easterly along said line 25 feet to the southeast corner of lot 2, thence Southerly 90 feet along the west line of the east 50 feet of lot 5 to a point on the North line of Robertson's Second Addition to Elmhurst, recorded as Document 95683 on January 20, 1909, said point being 250 feet East of the Northwest corner of said Robertson's Second Addition to Elmhurst, thence Westerly along said North line to the East line of Lot

49 in said Robertson's Second Addition to Elmhurst, thence Southerly along said East lot line, extended, to the North line of Paul J. Lowe Resubdivision, recorded as Document R96-024157 on February 14, 1996, thence Westerly 42 feet to the northwest corner of lot 1, thence Southerly along the west line 165 feet to the south west corner lot 1, thence Easterly along south line 92 feet in said Paul J. Lowe Resubdivision to the East line of Lot 26 in said Robertson's Second Addition to Elmhurst, thence Southerly along said lot line 50 feet to the North line of the Resubdivision of Robertson's Second Addition to Elmhurst, recorded as Document 111786 on April 23, 1913, thence Westerly along said North line to the West line of Lot 11 in said Resubdivision, thence Southerly along said West line to the North right-of-way line of Columbia Avenue, thence Southeasterly to the Northwest corner of Lot 7 in said Resubdivision, thence Southerly 296.75 feet along the West line of Lots 7 and 8 in said Resubdivision, thence Southeasterly 38.83 feet to a point on the Northerly right-of-way line of North Avenue, said point being 22 feet Easterly of the Southwest corner of said Lot 8, thence Southeasterly to the Northwest corner of Lot 30 in Block 1 of Fairview Addition to Elmhurst, recorded as Document 110851 on February 7, 1913, thence Southerly along the West line of Lots 30 and 29 in said Block 1 to the South line, extended Easterly, of Lot 2 in said Block 1 of Fairview Addition, thence Westerly along said South line, and South line extended, to the East right-of-way line of York Street, thence Southerly along said East right-of-way line to the North line, extended Easterly, of Lot 25 in Hahn's Subdivision, recorded as Document 47483 on December 8, 1891, thence Westerly along said North lot line, extended, to the West line, extended Southerly, of Lot 16 in said Hahn's Subdivision, thence Northerly along said West lot line to the South right-of-way line of Hahn Street, thence Westerly along said South right-of-way line, extended, to the West right-of-way line of Addison Avenue, thence Northerly along said West right-of-way line to the Northerly right-of-way line of North Avenue, thence Easterly along said North right-of-way to the West line of Lot 7 in Block 1 of Albert D. Graue's Subdivision of North Elmhurst, recorded as Document 86803 on February 23, 1906, thence Northerly along said West line of Lot 7, extended, to the South right-of-way line of Fremont Avenue, thence Northwesterly to the Southwest corner of Lot 9 in North Elmhurst Third Addition to the Village of Elmhurst, recorded as Document 97862 on August 9, 1909, thence Northerly along the west line of Lots 9 and 8 of said North Elmhurst Third Addition to the Southwest corner of Lot 5 of "County Clerk's Assessment Division of Lots 1 and 2 of the Plat of North Elmhurst Third Addition to the Village of Elmhurst", recorded as Document 233179 on April 8, 1927, thence Northerly along the West line, and West line extended, of Lots 1 through 5, inclusive, in said County Clerk's Assessment Division to the Northerly right-of-way line of Lake Street, thence Southeasterly along said Northerly right-of-way line to the West right-of-way line of York Street, thence Northerly along said West right-of-way line to the South line of Elmhurst Industrial Park Unit No. 1, recorded as Document R65-2240 on January 22, 1965, thence Westerly along said South line to the West line of Lot 7 in said Elmhurst Industrial Park Unit No. 1, thence Northerly along said West lot line, extended, to the North right-of-way line of Industrial Drive, thence Easterly along said right-of-way line to the East line of Lot 31 in said Elmhurst Industrial Park Unit No. 1, thence Northerly along the East line of Lots 31 and 27 in said Elmhurst Industrial Park Unit No. 1 to the North line of said Lot 27, thence Westerly along said North line to the East line of Lot 26 in said Elmhurst Industrial Park Unit No. 1, thence Northerly along said East line, extended, to the Northeast corner of Lot 22 in said Elmhurst Industrial Park Unit No. 1, thence Northerly to the Southwest corner of York Grand Estates Unit Number One, recorded as Document 426473 on July 23, 1941, thence Northerly along the West line of said York Grand Estates Unit Number One, extended, to the Southwest corner of Lot 2 of Klefstad's Elmhurst Subdivision, recorded as Document R93-172175 on August 4, 1993, thence Easterly 266.01 feet to the Southeast corner of said Lot 2, thence continuing Easterly 292.27 feet along the South line of Lot 23 in

Addison Township Supervisors Assessment Plat No.5, recorded as Document 465944 on August 9, 1944, thence Northerly to a point on the South line of Peter's 2nd Subdivision, recorded as Document R69-11385 on March 18, 1969, thence Westerly along said South line 33 feet, thence Northerly 33.75 feet, thence Westerly 134.35 feet to the Southwest corner of said Peter's 2nd Subdivision, thence Northerly along the West line of said Subdivision 161.76 feet to the North Line of Peter's Subdivision, recorded as Document R68-41940 on September 11, 1968, thence Westerly along said North line 124.78 feet to the East line of said Lot 2 in said Klefstad's Elmhurst Subdivision, thence Northerly along said East line of Lot 2 233.96 feet to the Northeast corner of said Lot, thence West along the North line 277.13 feet to the most Westerly East line of Lot 1, thence North along the East line to the Northwest corner of Lot 1, thence West along the North line 275 feet to the Southeast corner of Lot 75 in said Elmhurst Industrial Park Unit No. 2, thence Westerly on the South line to the Southwest corner of said Lot 75, thence Northerly along the West line, and West line extended, of said Lot 75 to the place of beginning, all in DuPage County, Illinois.

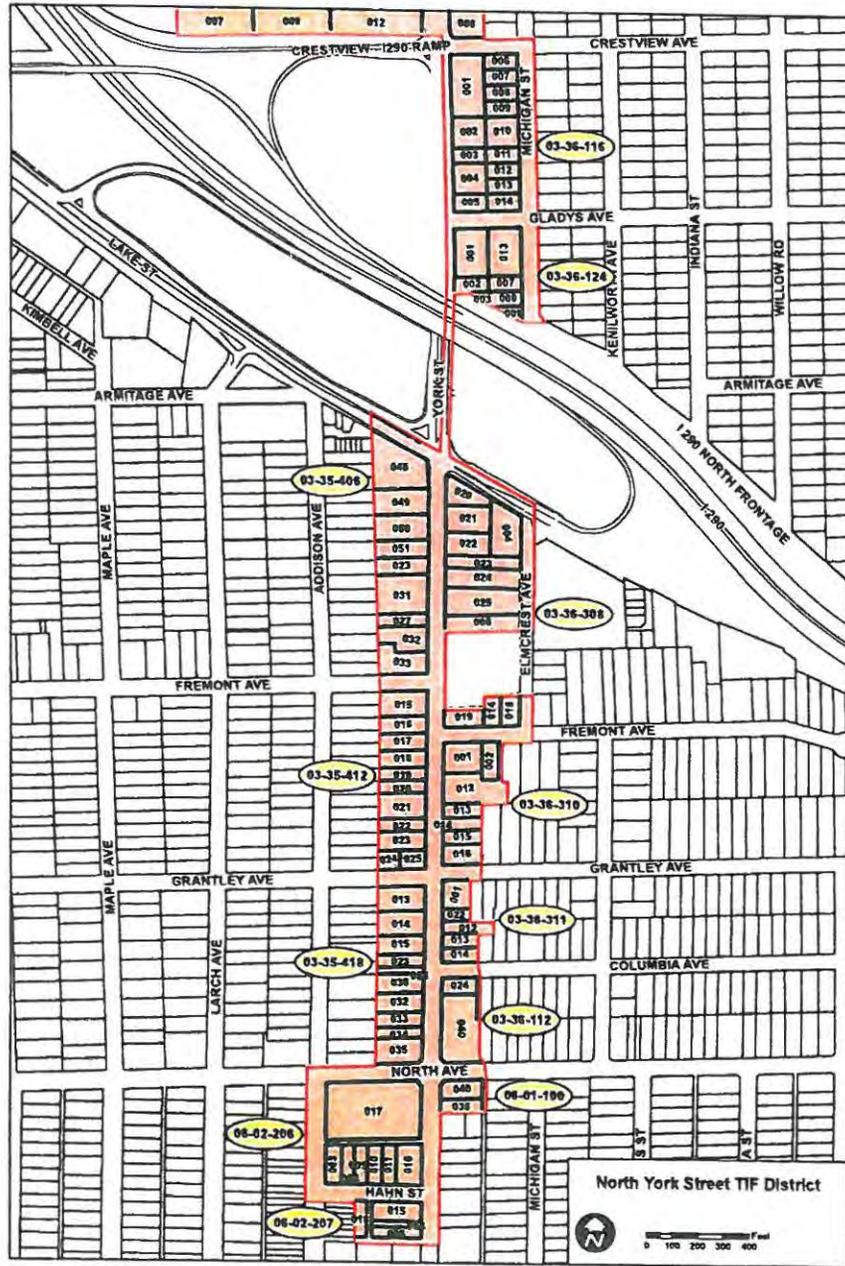
EXHIBIT B

General Street Location

The proposed Redevelopment Project Area is generally described as a contiguous area the boundaries of which are approximately the parcels on the east and west sides of York Street from the alley south of Hahn Street on the South to North Avenue on the north, continues north with frontage parcels located on the east and west sides of York Street from North Avenue on the south to Lake Street on the north, continues north along only the east side of York Street from the north side of the I-290 right-of way to Crestview Avenue, at Crestview, incorporates parcels on both the east and west sides of York Street to Wrightwood Avenue, at Wrightwood, includes parcels primarily on the west side of York Street to Grand Avenue and four (4) Community Unit School District 205 parcels on the east side of York Street, and in order to maximize lot depth from York Street throughout the Study Area, and sometimes incorporates several parcels in addition to those fronting York Street and along the south side of Grand Avenue a total of 8 lots west of York Street are incorporated, and adjacent rights of way are also included.

EXHIBIT C

Boundary Map



FILED

SEP 18 2012

Angie A. Kelly
DuPage County Clerk

O-52-2012

**AN ORDINANCE OF THE CITY OF ELMHURST,
DUPAGE AND COOK COUNTIES, ILLINOIS, ADOPTING TAX INCREMENT
ALLOCATION FINANCING FOR THE NORTH YORK STREET
REDEVELOPMENT PROJECT AREA**

WHEREAS, it is desirable and in the best interest of the citizens of the City of Elmhurst, DuPage and Cook Counties, Illinois (the "City"), for the City to implement tax increment allocation financing pursuant to the Tax Increment Allocation Redevelopment Act, Division 74.4 of Article 11 of the Illinois Municipal Code, as amended (the "Act"), for a proposed redevelopment plan and redevelopment project (the "Plan and Project") within the municipal boundaries of the City and within a proposed redevelopment project area (the "Area") described in Section 1 of this Ordinance; and

WHEREAS, the Mayor and City Council of the City ("the Corporate Authorities") have heretofore by ordinance approved the Plan and Project and the Area and it is now necessary and desirable to adopt tax increment allocation financing pursuant to the Act.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Elmhurst, DuPage and Cook Counties, Illinois, as follows:

Section 1. Tax Increment Financing Adopted. That tax increment allocation financing is hereby adopted to pay redevelopment project costs as defined in the Act and as set forth in the Plan and Project within the Area as legally described in Exhibit A attached hereto and incorporated herein as if set out in full by this reference. The general street location for the

Area is described in Exhibit B attached hereto and incorporated herein as if set out in full by this reference. The map of the Area is depicted in Exhibit C attached hereto and incorporated herein as if set out in full by this reference.

Section 2. Allocation of Ad Valorem Taxes. That pursuant to the Act, the ad valorem taxes, if any, arising from the levies upon taxable real property in the Area by taxing districts and tax rates determined in the manner provided in Section 11-74.4-9(c) of the Act each year after the effective date of this Ordinance until the redevelopment project costs incurred and obligations issued in respect thereto have been paid shall be divided as follows:

a. That portion of taxes levied upon each taxable lot, block, tract, or parcel of real property that is attributable to the lower of the current equalized assessed value or the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the Area shall be allocated to and when collected shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing.

b. That portion, if any, of such taxes that is attributable to the increase in the current equalized assessed valuation of each lot, block, tract, or parcel of real property in the Area shall be allocated to and when collected shall be paid to the Treasurer of the City of Elmhurst, who shall deposit said taxes into a special fund, hereby created, and designated the "North York Street Redevelopment Project Area Special Tax Allocation Fund" of the City. Such taxes shall be used for the purpose of paying redevelopment project costs incurred and obligations incurred in the payment thereof.

Section 3. Invalidity of Any Section. That if any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 4. Superseder and Effective Date. That all ordinances, resolutions, motions, or orders in conflict herewith shall be, and the same hereby are, repealed to the extent of such conflict, and this Ordinance shall be in full force and effect immediately upon its passage and approval in the manner provided by law.

ADOPTED this 4th day of September, 2012, pursuant to a roll call vote as follows:

AYES: 11

NAYS: 1

ABSENT: 2

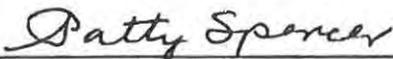
ABSTENTION: _____

APPROVED by me this 4th day of September, 2012.



Peter P. DiCianni III, Mayor of the City of
Elmhurst, DuPage and Cook Counties, Illinois

ATTESTED and filed in my office,
this 4th day of September, 2012.



Patty Spencer, Clerk of the City of Elmhurst,
DuPage and Cook Counties, Illinois

FILED

SEP 18 2012



DuPage County Clerk

COUNCIL ACTION SUMMARY

SUBJECT: An Ordinance of the City of Elmhurst, DuPage and Cook Counties, Illinois,
Adopting Tax Increment Allocation Financing For the North York Street
Redevelopment Project Area

ORIGINATOR: City Manager/City Attorney

DESCRIPTION OF SUBJECT MATTER:

The attached Ordinance adopts tax increment allocation financing for the North York Street Tax Increment Financing District. This Ordinance is the third of three ordinances which must be adopted by the City Council in order to establish the North York Street Tax Increment Financing District.

EXHIBIT A

Legal Description

That part of Sections 25, 26, 35 and 36 of Township 40 North, Range 11, East of the Third Principal Meridian and Sections 1 and 2 of Township 39 North, Range 11, East of the Third Principal Meridian described as commencing at the intersection of the Northerly corporate boundary of Elmhurst, said Northerly boundary being the centerline of Grand Avenue, with the Westerly lot line, extended north, of Lot 75 in Elmhurst Industrial Park Unit No. 2, recorded as Document R65-24614 on July 9, 1965, for a place of beginning, thence Easterly along said centerline of Grand Avenue to the Easterly right-of-way line of York Street, thence Southerly along said Easterly right-of-way line to the North line of Lot 2 of York Gardens, recorded as Document 456519 on December 3, 1943, thence Easterly along said North lot line to the East line of said Lot 2, thence Southerly along said East line to the Northwest corner of Lot 11 in Block 3 of Country Club Highlands Subdivision Unit 3, recorded as Document 877616 on April 25, 1958, thence Southeasterly along the Northerly line of said Lot 11, extended, to the Easterly right-of-way line of Wilson Street, thence Southwesterly along said Easterly right-of-way line to its intersection with the North line, extended Easterly, of Lots 12 through 24, inclusive, in Block 3 of said Country Club Highlands Subdivision Unit 3, thence Westerly along said North line to the West Line of said Lot 24, thence Southerly along said West line, extended, to the South line of Lot 4 in said York Gardens, thence Westerly along said South line to the Easterly right-of-way line of York Street, thence Southerly along said Easterly right-of-way to the South lot line of York Meadows Condominiums, recorded as Document R80-05482 on January 22, 1980, thence Easterly along said South lot line to the East lot line, extended Northerly, of Lot 20 in Block 12 of H.O. Stone and Co.'s Elmhurst Addition, recorded as Document 161539 on December 20, 1922, thence Southerly along said East lot line, extended, to the South lot line of Lot 10 in Block 37 of said H.O. Stone and Co.'s Elmhurst Addition, said South lot line being the North right-of-way of Crestview Avenue, thence Easterly along said North right-of-way line to the East right-of-way line of Michigan Street, thence Southerly along said East right-of-way line to the South lot line of Lot 15 in Block 54 of said H.O. Stone and Co.'s Elmhurst Addition, thence generally Westerly along the Northerly right-of-way line of Interstate 290 to the East right-of-way line of York Street, thence Southerly along said East right-of-way line to the Northerly right-of-way line of Lake Street, thence Southeasterly along said Northerly right-of-way line to the East right-of-way line, extended Northerly, of Elmcrest Avenue, thence Southerly along said East right-of-way line to the North line, extended Easterly, of Lot 5 in Block 1 of Robertson's Addition to Elmhurst, recorded as Document 92032 on October 30, 1907, thence Westerly along said North lot line to the East right-of-way line of York Street, thence Southerly along said East right-of-way line 300 feet, thence Easterly 155 feet, thence Northerly 50 feet to the North line of Lot 7 in Block 1 of said Robertson's Addition to Elmhurst, thence Easterly along said lot line, extended, to the East right-of-way line of Elmcrest Avenue, thence Southerly along said East right-of-way line and right-of-way line extended, to the South right-of-way line of Fremont Avenue, thence Westerly along said South right-of-way line 120 feet to the west line of the east 25 feet of lot 2 in Owners division of Block 2 of Robertsons Addition to Elmhurst, recorded as Document 258941 on June 4, 1928, thence Southerly along said west line 150 feet to the south line of lot 2, , thence Easterly along said line 25 feet to the southeast corner of lot 2, thence Southerly 90 feet along the west line of the east 50 feet of lot 5 to a point on the North line of Robertson's Second Addition to Elmhurst, recorded as Document 95683 on January 20, 1909, said point being 250 feet East of the Northwest corner of said

Robertson's Second Addition to Elmhurst, thence Westerly along said North line to the East line of Lot 49 in said Robertson's Second Addition to Elmhurst, thence Southerly along said East lot line, extended, to the North line of Paul J. Lowe Resubdivision, recorded as Document R96-024157 on February 14, 1996, thence Westerly 42 feet to the northwest corner of lot 1, thence Southerly along the west line 165 feet to the south west corner lot 1, thence Easterly along south line 92 feet in said Paul J. Lowe Resubdivision to the East line of Lot 26 in said Robertson's Second Addition to Elmhurst, thence Southerly along said lot line 50 feet to the North line of the Resubdivision of Robertson's Second Addition to Elmhurst, recorded as Document 111786 on April 23, 1913, thence Westerly along said North line to the West line of Lot 11 in said Resubdivision, thence Southerly along said West line to the North right-of-way line of Columbia Avenue, thence Southeasterly to the Northwest corner of Lot 7 in said Resubdivision, thence Southerly 296.75 feet along the West line of Lots 7 and 8 in said Resubdivision, thence Southeasterly 38.83 feet to a point on the Northerly right-of-way line of North Avenue, said point being 22 feet Easterly of the Southwest corner of said Lot 8, thence Southeasterly to the Northwest corner of Lot 30 in Block 1 of Fairview Addition to Elmhurst, recorded as Document 110851 on February 7, 1913, thence Southerly along the West line of Lots 30 and 29 in said Block 1 to the South line, extended Easterly, of Lot 2 in said Block 1 of Fairview Addition, thence Westerly along said South line, and South line extended, to the East right-of-way line of York Street, thence Southerly along said East right-of-way line to the North line, extended Easterly, of Lot 25 in Hahn's Subdivision, recorded as Document 47483 on December 8, 1891, thence Westerly along said North lot line, extended, to the West line, extended Southerly, of Lot 16 in said Hahn's Subdivision, thence Northerly along said West lot line to the South right-of-way line of Hahn Street, thence Westerly along said South right-of-way line, extended, to the West right-of-way line of Addison Avenue, thence Northerly along said West right-of-way line to the Northerly right-of-way line of North Avenue, thence Easterly along said North right-of-way to the West line of Lot 7 in Block 1 of Albert D. Graue's Subdivision of North Elmhurst, recorded as Document 86803 on February 23, 1906, thence Northerly along said West line of Lot 7, extended, to the South right-of-way line of Fremont Avenue, thence Northwesterly to the Southwest corner of Lot 9 in North Elmhurst Third Addition to the Village of Elmhurst, recorded as Document 97862 on August 9, 1909, thence Northerly along the west line of Lots 9 and 8 of said North Elmhurst Third Addition to the Southwest corner of Lot 5 of "County Clerk's Assessment Division of Lots 1 and 2 of the Plat of North Elmhurst Third Addition to the Village of Elmhurst", recorded as Document 233179 on April 8, 1927, thence Northerly along the West line, and West line extended, of Lots 1 through 5, inclusive, in said County Clerk's Assessment Division to the Northerly right-of-way line of Lake Street, thence Southeasterly along said Northerly right-of-way line to the West right-of-way line of York Street, thence Northerly along said West right-of-way line to the South line of Elmhurst Industrial Park Unit No. 1, recorded as Document R65-2240 on January 22, 1965, thence Westerly along said South line to the West line of Lot 7 in said Elmhurst Industrial Park Unit No. 1, thence Northerly along said West lot line, extended, to the North right-of-way line of Industrial Drive, thence Easterly along said right-of-way line to the East line of Lot 31 in said Elmhurst Industrial Park Unit No. 1, thence Northerly along the East line of Lots 31 and 27 in said Elmhurst Industrial Park Unit No. 1 to the North line of said Lot 27, thence Westerly along said North line to the East line of Lot 26 in said Elmhurst Industrial Park Unit No. 1, thence Northerly along said East line, extended, to the Northeast corner of Lot 22 in said Elmhurst Industrial Park Unit No. 1, thence Northerly to the Southwest corner of York Grand Estates Unit Number One, recorded as Document 426473 on July 23, 1941, thence Northerly along the West line of said York Grand Estates Unit Number One, extended, to the Southwest corner of Lot 2 of Klefstad's Elmhurst Subdivision, recorded as Document R93-172175 on August 4, 1993, thence Easterly 266.01 feet to the

EXHIBIT B

General Street Location

The proposed Redevelopment Project Area is generally described as a contiguous area the boundaries of which are approximately the parcels on the east and west sides of York Street from the alley south of Hahn Street on the South to North Avenue on the north, continues north with frontage parcels located on the east and west sides of York Street from North Avenue on the south to Lake Street on the north, continues north along only the east side of York Street from the north side of the I-290 right-of way to Crestview Avenue, at Crestview, incorporates parcels on both the east and west sides of York Street to Wrightwood Avenue, at Wrightwood, includes parcels primarily on the west side of York Street to Grand Avenue and four (4) Community Unit School District 205 parcels on the east side of York Street, and in order to maximize lot depth from York Street throughout the Study Area, and sometimes incorporates several parcels in addition to those fronting York Street and along the south side of Grand Avenue a total of 8 lots west of York Street are incorporated, and adjacent rights of way are also included.

EXHIBIT C
Boundary Map

STATE OF ILLINOIS)
) SS
COUNTIES OF DUPAGE
AND COOK)

I, Patty Spencer, hereby certify that I am the duly elected, qualified and acting City Clerk of the City of Elmhurst, DuPage and Cook Counties, Illinois, a municipal corporation, and the keeper of its seal and records.

I HEREBY FURTHER CERTIFY that the attached is a true and correct copy of;

City of Elmhurst North York Street TIF IV PIN Numbers

I HEREBY FURTHER CERTIFY that the original of the attached is now on file at the City of Elmhurst, City Hall, 209 N. York Street, Elmhurst, IL 60126.

IN WITNESS HEREOF, I have hereunto set my hand and affixed the seal of the City of Elmhurst, aforesaid, at said City, in the County and State aforesaid, this 18th day of September, 2012.

SEAL

Erin K. Van De Walle
Erin K. Van De Walle, Deputy City Clerk

FILED

SEP 18 2012

Ray A. Kelly
DuPage County Clerk

City of Elmhurst
 NorthYork Street Area
 Summary of PINS in Study Area
 As of Monday 5/7/12

PIN

1	03-25-300-031	54	03-26-404-009	107	03-35-418-023	160	03-36-311-012
2	03-25-300-036	55	03-26-404-010	108	03-35-418-024	161	03-36-311-013
3	03-25-300-037	56	03-26-404-011	109	03-35-418-032	162	03-36-311-014
4	03-25-300-038	57	03-26-404-012	110	03-35-418-033	163	03-36-311-022
5	03-25-309-002	58	03-26-404-015	111	03-35-418-034	164	03-36-312-024
6	03-25-309-004	59	03-26-404-016	112	03-35-418-035	165	03-36-312-040
7	03-25-309-005	60	03-26-404-017	113	03-35-418-036	166	06-01-100-035
8	03-25-309-006	61	03-26-404-018	114	03-36-100-019	167	06-01-100-040
9	03-25-309-007	62	03-26-404-020	115	03-36-108-006	168	06-02-206-003
10	03-25-309-008	63	03-26-404-021	116	03-36-108-007	169	06-02-206-004
11	03-25-317-001	64	03-26-404-022	117	03-36-108-008	170	06-02-206-005
12	03-25-317-002	65	03-26-404-023	118	03-36-108-024	171	06-02-206-010
13	03-25-317-003	66	03-26-404-026	119	03-36-108-025	172	06-02-206-011
14	03-25-317-004	67	03-26-404-027	120	03-36-116-001	173	06-02-206-016
15	03-25-317-005	68	03-26-404-028	121	03-36-116-002	174	06-02-206-017
16	03-25-317-006	69	03-26-404-029	122	03-36-116-003	175	06-02-207-004
17	03-25-317-007	70	03-26-406-010	123	03-36-116-004	176	06-02-207-005
18	03-25-317-008	71	03-26-406-014	124	03-36-116-005	177	06-02-207-015
19	03-25-317-009	72	03-26-406-020	125	03-36-116-006		
20	03-25-317-019	73	03-26-406-023	126	03-36-116-007		
21	03-26-207-003	74	03-26-406-024	127	03-36-116-008		
22	03-26-207-006	75	03-26-406-025	128	03-36-116-009		
23	03-26-207-007	76	03-26-406-026	129	03-36-116-010		
24	03-26-207-015	77	03-35-203-003	130	03-36-116-011		
25	03-26-207-016	78	03-35-203-004	131	03-36-116-012		
26	03-26-207-017	79	03-35-203-005	132	03-36-116-013		
27	03-26-207-018	80	03-35-204-007	133	03-36-116-014		
28	03-26-207-019	81	03-35-204-008	134	03-36-124-001		
29	03-26-207-020	82	03-35-204-009	135	03-36-124-002		
30	03-26-207-021	83	03-35-204-012	136	03-36-124-003		
31	03-26-207-023	84	03-35-406-023	137	03-36-124-007		
32	03-26-207-024	85	03-35-406-027	138	03-36-124-008		
33	03-26-207-029	86	03-35-406-031	139	03-36-124-009		
34	03-26-207-032	87	03-35-406-032	140	03-36-124-013		
35	03-26-207-036	88	03-35-406-033	141	03-36-308-004		
36	03-26-207-037	89	03-35-406-048	142	03-36-308-008		
37	03-26-403-009	90	03-35-406-049	143	03-36-308-014		
38	03-26-403-010	91	03-35-406-050	144	03-36-308-015		
39	03-26-403-011	92	03-35-406-051	145	03-36-308-019		
40	03-26-403-012	93	03-35-412-015	146	03-36-308-020		
41	03-26-403-013	94	03-35-412-016	147	03-36-308-021		
42	03-26-403-014	95	03-35-412-017	148	03-36-308-022		
43	03-26-403-015	96	03-35-412-018	149	03-36-308-023		
44	03-26-403-016	97	03-35-412-019	150	03-36-308-024		
45	03-26-403-019	98	03-35-412-020	151	03-36-308-025		
46	03-26-403-021	99	03-35-412-021	152	03-36-310-001		
47	03-26-403-022	100	03-35-412-022	153	03-36-310-002		
48	03-26-404-001	101	03-35-412-023	154	03-36-310-012		
49	03-26-404-003	102	03-35-412-024	155	03-36-310-013		
50	03-26-404-004	103	03-35-412-025	156	03-36-310-014		
51	03-26-404-005	104	03-35-418-013	157	03-36-310-015		
52	03-26-404-006	105	03-35-418-014	158	03-36-310-016		
53	03-26-404-008	106	03-35-418-015	159	03-36-311-001		

FILED

SEP 18 2012

Steph A. Kelly
 DuPage County Clerk